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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**PLAINTIFF OWEN DIAZ'S REQUEST
FOR JUDICIAL NOTICE THAT THERE
WAS WIDESPREAD MEDIA
DISSEMINATION OF THE JURY
VERDICT**

Hearing Date: January 29, 2022
Time: 2:00 p.m.
Place: Courtroom 2, 17th Floor
The Hon. William H. Orrick

Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiff Owen Diaz hereby
respectfully requests that the Court take judicial notice of the widespread media dissemination of

1 the Jury's October 4, 2021 verdict, which found Defendant Tesla liable for racial harassment
2 under 42 U.S.C. §1981 and for negligent supervision and retention under California law and
3 imposed compensatory and punitive damages.

4 This Court may take judicial notice of the fact that the jury's verdict has been widely
5 disseminated throughout the media. *See, e.g., Von Saher v. Norton Simon Museum of Art at*
6 *Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010) ("Courts may take judicial notice of publications
7 introduced to 'indicate what was in the public realm at the time, not whether the contents of
8 those articles were in fact true.'"); *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n.
9 18 (9th Cir. 1999) ("We take judicial notice that the market was aware of the information
10 contained in news articles submitted by the defendants."); *Ritter v. Hughes Aircraft Co.*, 58 F.3d
11 454, 458–59 (9th Cir. 1995) (judicial notice of widespread layoffs based on newspaper articles
12 was not abuse of discretion); *Brodsky v. Yahoo! Inc.*, 630 F.Supp.2d 1104, 1111–12
13 (N.D.Cal.2009) ("The Court also grants Defendants' request [for judicial notice] as to Exhibits
14 31 through 47, Yahoo! Press releases, news articles, analyst reports, and third party press
15 releases to which the SAC refers, but not for the truth of their contents.")

16 This fact is relevant, and appropriate for judicial notice, because it supports Plaintiff's
17 position that the jury's verdict is likely to further the twin goals of a punitive damages award:
18 deterrence and punishment. In addition to the direct impact on Tesla of having to pay the verdict
19 and the upcoming judgment in this case, the widespread dissemination of the verdict, including
20 its factual basis and the size of the compensatory and punitive damages awards, may have
21 considerable indirect impacts as well. The media reports attached to this Request for Judicial
22 Notice, and others, have been and likely will continue to be disseminated to, and reviewed by,
23 Tesla's existing and prospective customers, suppliers, employees, and investors. As a result,
24 there has been and will likely continue to be increased public scrutiny of Tesla's workplace
25 practices by persons and entities that are in a position to influence Tesla's policies going
26 forward, and thereby to deter further wrongful conduct such as the conduct that the jury found
27 Tesla responsible for in this case.

Accordingly, Plaintiff Owen Diaz respectfully requests that the Court take judicial notice of the fact that the finding of harassment against Tesla and the verdict in this matter were widely disseminated in media.

ATTACH.	DESCRIPTION
1.	Bob Egelko, <i>Jury awards \$137 million to former Tesla employee who was racially harassed in Fremont by co-workers who workers</i> , SAN FRANCISCO CHRONICLE, October 4, 2021, https://www.sfchronicle.com/bayarea/article/Jury-awards-137-million-to-former-Tesla-employee-16509543.php .
2.	The Associated Press, <i>Black ex-Tesla worker who claimed racial abuse awarded \$137 million</i> , THE MERCURY NEWS, October 4, 2021, https://www.mercurynews.com/2021/10/04/black-ex-tesla-worker-who-claimed-racial-abuse-awarded-137-million/ .
3.	Malathi Nayak, <i>Tesla is ordered to pay former worker \$137 million for racism at plant</i> , LOS ANGELES TIMES, October 4, 2021, https://www.latimes.com/business/story/2021-10-04/tesla-ordered-to-pay-worker-137-million-for-racism-at-plant .
4.	Niraj Chokshi, <i>Jury Orders Tesla to Pay \$137 Million to a Former Worker Over Racist Treatment</i> , THE NEW YORK TIMES, October 4, 2021, https://www.nytimes.com/2021/10/04/business/tesla-racism-lawsuit.html .
5.	Malathi Nayak, <i>Tesla Ordered to Pay \$137 Million Over Racism in Rare Verdict</i> , BLOOMBERG, October 4, 2021, https://news.bloomberglaw.com/daily-labor-report/tesla-ordered-to-pay-worker-137-million-for-racism-at-plant-1 .
6.	Lora Kolodny, <i>Tesla must pay \$137 million to ex-worker over hostile work environment, racism</i> , CNN, October 4, 2021, https://www.cnn.com/2021/10/05/tesla-must-pay-137-million-to-ex-worker-over-hostile-work-environment-racism.html .
7.	Kasim Kabbara, <i>Former Tesla worker speaks out after winning \$137 million lawsuit</i> , ABCNEWS, October 6, 2021, https://abcnews.go.com/US/News/tesla-worker-speaks-winning-137-million-lawsuit/story?id=80431720 .
8.	BBC NEWS, <i>Tesla must pay \$137m to racially harassed former worker</i> , BBC NEWS, October 5, 2021, https://www.bbc.com/news/business-58807212 .
9.	Matthew Childs, <i>Tesla faces investor test after big jury award over racism</i> , REUTERS, October 6, 2021, https://www.reuters.com/business/autos-transportation/tesla-faces-investor-test-after-big-jury-award-over-racism-2021-10-06/ .
10.	Malathi Nayak, <i>Tesla to pay \$137m to former employee over racism at work</i> , ALJAZEERA, October 5, 2021, https://www.aljazeera.com/economy/2021/10/5/tesla-to-pay-137m-to-former-employee-on-racism-at-work .
11.	Oliver Laughland, <i>Tesla ordered to pay \$137m to Black former employee for racial abuse</i> , The Guardian, October 5, 2021, https://www.theguardian.com/technology/2021/oct/05/tesla-pays-137m-black-former-employee .

12.	Lisa Nagele-Piazza, J.D., <i>Jury Awards Former Tesla Worker \$137 Million in Race Bias Suit</i> , SHRM, October 6, 2021, https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/tesla-worker-137-million-race-bias-suit.aspx .
13.	Steve Dent, <i>Tesla must pay \$137 million in discrimination lawsuit</i> , TECHCRUNCH, October 5, 2021, https://techcrunch.com/2021/10/05/tesla-must-pay-137-million-in-discrimination-lawsuit/ .
14.	Isabel Keane, <i>Tesla worker wins £100,000,000 payout after suffering racist abuse</i> , METRO, October 5, 2021, https://metro.co.uk/2021/10/05/black-former-tesla-employee-wins-137million-in-discrimination-suit-15370590/ .
15.	Malathi Nayak and Dana Hull, <i>Jury orders Tesla to pay \$137 million</i> , LEADER-TELEGRAM, October 11, 2021, https://www.leadertelegram.com/business/from-the-wire-business/jury-orders-tesla-to-pay-137-million/article_e98639bc-26e4-51db-9fc8-94618c1781a5.html .
16.	Cristian Bustos, <i>Tesla to Pay Employee \$137 Million in Racial Abuse Lawsuit</i> , AU yahoo! finance, October 7, 2021, https://au.finance.yahoo.com/news/tesla-pay-employee-137-million-134128865.html .
17.	Dexter Tilo, <i>Tesla ordered to pay \$137M to ex-worker over hostile environment</i> , Human Resources Director AU, October 5, 2021, https://www.hcamag.com/au/specialisation/employment-law/tesla-ordered-to-pay-137m-to-ex-worker-over-hostile-environment/312249 .
18.	AFP News, <i>US Jury Orders Tesla To Pay Ex-employee \$137 Million Over Racism</i> , INTERNATIONAL BUSINESS TIMES, October 5, 2021, https://www.ibtimes.com/us-jury-orders-tesla-pay-ex-employee-137-million-over-racism-3309645 .
19.	Joe Hernandez, <i>Tesla must pay \$137 million to a Black employee who sued for racial discrimination</i> , NPR, October 5, 2021, https://www.npr.org/2021/10/05/1043336212/tesla-racial-discrimination-lawsuit .
20.	Simon Alvarez, <i>Tesla responds to \$137M jury order over alleged racism in Fremont Factory</i> , TESLARATI, October 5, 2021, https://www.teslarati.com/tesla-137m-fine-racism-response/ .

Dated: December 7, 2021

California Civil Rights Law Group
Alexander Morrison + Fehr LLP
Altshuler Berzon



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Lawrence A. Organ
Navruz Avloni
Cimone A. Nunley
Michael Rubin
Jonathan Rosenthal
Attorneys for Plaintiff OWEN DIAZ


Attachment 1

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Jury awards \$137 million to former Tesla employee who was racially harassed in Fremont by co-workers

Bob Egelko

Updated: Oct. 4, 2021 9:39 p.m.



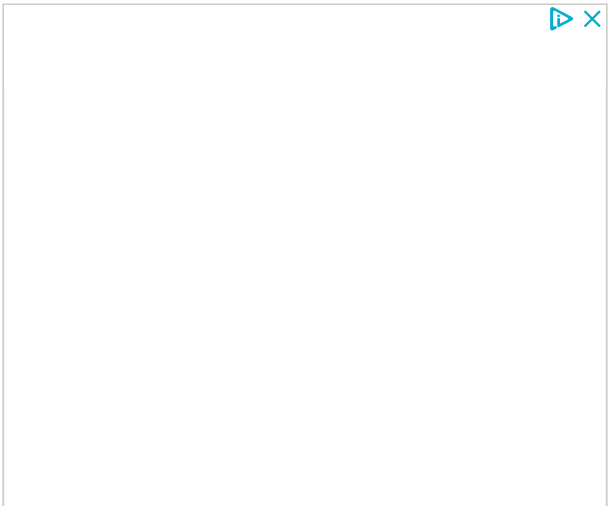




A federal court jury on Monday awarded \$136.9 million to a Black former factory worker at Tesla’s Fremont plant who said he was repeatedly called racist names, shown racist cartoons and subjected to abuse during 9½ months of employment at the electric car company, according to the plaintiff and his lawyers.

After a one-week trial and only 3½ hours of deliberation, the eight-member jury in San Francisco found that Tesla had violated Owen Diaz’s right to be free of a racially hostile work environment and awarded him \$6.9 million for emotional distress and \$130 million in punitive damages, said attorney Larry Organ of the California Civil Rights Law Group.

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Diaz, 53, said it was a just verdict.

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“They’re putting Elon Musk on notice to clean up his factory,” he said, referring to Tesla’s billionaire CEO. “They heard the things we had endured.”

Tesla and its attorneys did not immediately respond to requests for comment. The company could ask U.S. District Judge William Orrick III to overturn or reduce the verdict, and could also appeal to higher

In court filings, Tesla denied failing to protect African American employees and said it did not hesitate to address racial abuse at the factory when it arose. The company also denied any knowledge of the racist acts alleged by Diaz.

Tesla, based in Palo Alto, also faces a class-action discrimination lawsuit in Alameda County Superior Court on behalf of 2,000 to 3,000 employees, attorneys said.

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Diaz started work at the plant in June 2015. He was sent there by a staffing company, and Tesla, defending the suit, argued unsuccessfully that he was not actually an employee.

Before he left the job voluntarily in 2016, Diaz and his lawyers said, he was regularly called the “n-word” — at least 30 times by supervisors, and many more times by co-workers. Fellow Black employees gave similar accounts to the jury.

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“One of the witnesses said they wiped feces on his golf cart,” Diaz said Monday. “A supervisor sent over images of pickaninnies.”

He said his son, Demetric, who also worked at the plant, also endured racial epithets and profanity from a supervisor and hoped his father would protect him, which he was unable to do. “My son had to watch his father be broken. ... It mentally traumatized my son,” said Diaz, who is now a bus driver for AC Transit.

Demetric Diaz also sued Tesla, a case that has been resolved, Organ said. He declined to give details.

“I think (the verdict) will help change the dynamic so that hopefully corporate America wakes up and takes race harassment seriously,” the attorney said.

Bob Egelko is a San Francisco Chronicle staff writer. Email: begelko@sfchronicle.com Twitter: [@BobEgelko](https://twitter.com/BobEgelko)

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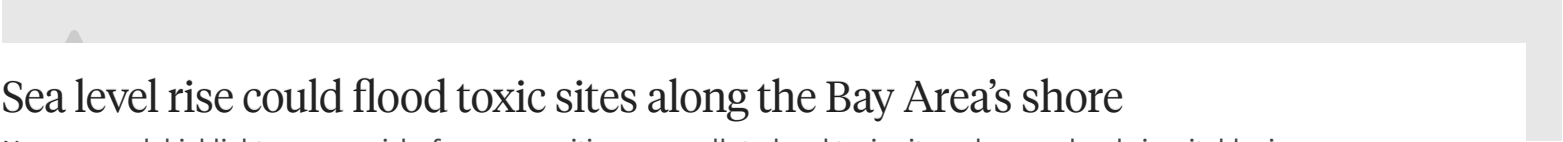


Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.

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Attachment 2

NEWS > CALIFORNIA NEWS

Black ex-Tesla worker who claimed racial abuse awarded \$137 million

The jury in San Francisco agreed that Owen Diaz was subjected to racial harassment and a hostile work environment



Tesla Inc. must pay nearly \$137 million to a Black former worker who said he suffered racial abuse at the electric carmaker's San Francisco Bay Area factory. (AP Photo/David Zalubowski, file)

By **THE ASSOCIATED PRESS** |

October 4, 2021 at 10:24 p.m.

SAN FRANCISCO (AP) — Tesla Inc. must pay nearly \$137 million to a Black former worker who said he suffered racial abuse at the electric carmaker's San Francisco Bay Area factory.

The jury in San Francisco agreed that Owen Diaz was subjected to racial harassment and a hostile work environment.

Diaz alleged in a lawsuit that he was harassed and faced "daily racist epithets," including the "N-word," while working at Tesla's Fremont plant in 2015 and 2016 before quitting. Diaz was a contracted elevator operator.

Diaz alleged that employees drew swastikas and left racist graffiti and drawings around the plant. He contended that supervisors failed to stop the abuse.

"Tesla's progressive image was a façade papering over its regressive, demeaning treatment of African-American employees," the lawsuit said.

Diaz was awarded \$6.9 million in damages for emotional distress and \$130 million in punitive damages, his attorney, Lawrence A. Organ, told the Washington Post.

"It took four long years to get to this point," Diaz told the New York Times. "It's like a big weight has been pulled off my shoulders."

"It's a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for Black people," Organ, of the California Civil Rights Law Group, told the Times.

It wasn't immediately clear whether Tesla would appeal the decision. An email from The Associated Press seeking comment from Tesla wasn't immediately returned Monday night.

However, Tesla previously denied any knowledge of the alleged racist conduct at the plant, which has about 10,000 workers.

If upheld, the award would be a blow to a company that has been subject to various allegations of workplace problems but requires employees to resolve disputes through mandatory arbitration, which the firm has rarely lost.

In May, an arbitrator ordered Tesla to pay more than \$1 million over similar allegations by another former Fremont factory worker. That employee alleged that co-workers called him a racial slur and supervisors ignored his complaints.

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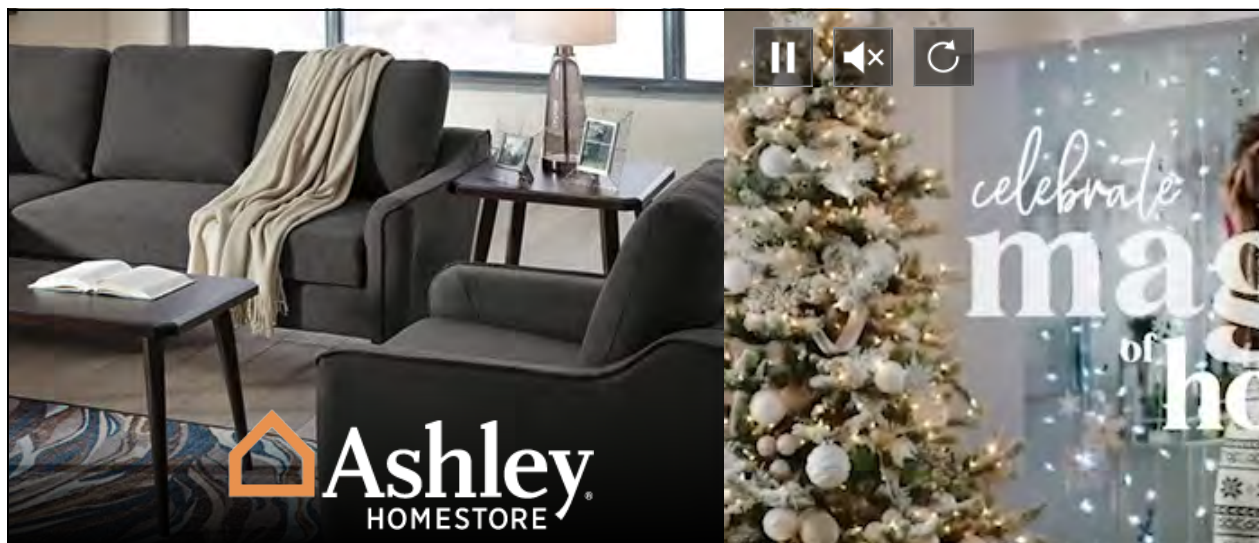
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Tesla is ordered to pay former worker \$137 million for racism at plant

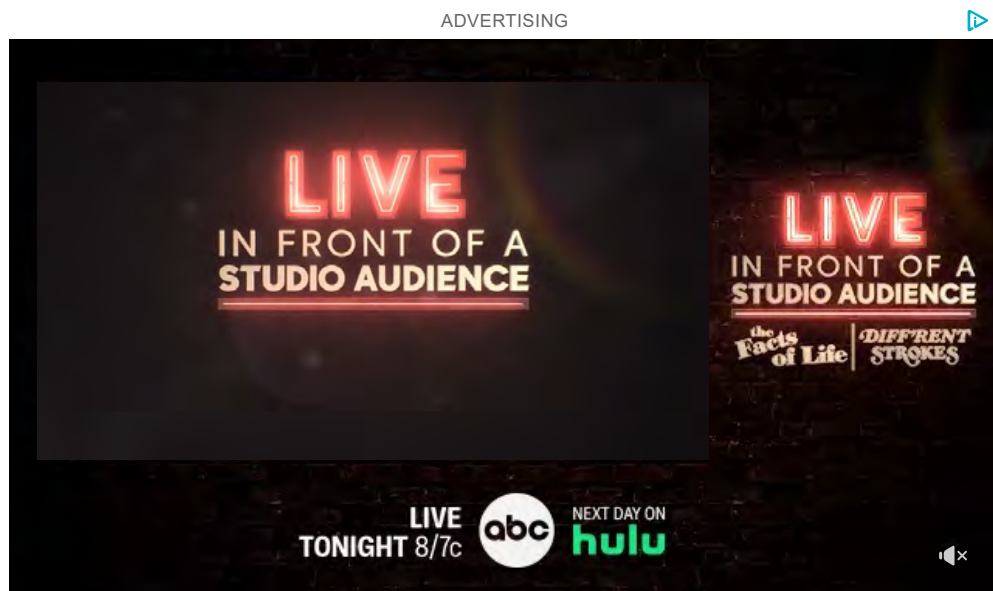


Tesla Inc. lost a case brought by a Black former elevator operator and must pay him \$137 million for having turned a blind eye to racial taunts and offensive graffiti he endured at the electric-car maker's Northern California plant, according to the man's lawyer.

A federal jury in San Francisco decided Monday that Owen Diaz, a former contract worker hired in 2015 through a staffing agency, was subjected to a racially hostile work environment, said Lawrence Organ, a lawyer for Diaz. The verdict couldn't immediately be confirmed in electronic court records.

Diaz's case marked a rare instance in which Tesla, which typically uses mandatory arbitration to resolve employee disputes, had to defend itself in a public trial. The company [almost never loses](#) workplace arbitrations, though it was hit with a [\\$1-million award](#) in May in a case brought by another ex-worker that was similar to Diaz's.

The trial's outcome could embolden shareholder activists who have pushed Tesla's board, so far without success, to adopt more transparency about its use of arbitration to resolve complaints about sexual harassment and racial discrimination. The board is urging investors to vote down such a proposal at an Oct. 7 shareholder meeting even as other big Silicon Valley companies, including Alphabet Inc. and Uber Technologies Inc., have backed off the use of mandatory arbitration.



Tesla and its attorney, Tracey Kennedy, didn't immediately respond to requests for comment.

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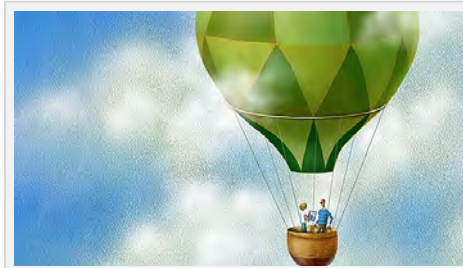
In closing arguments to the jury, Kennedy said, “Mr. Diaz’s story simply doesn’t make sense” in light of his encouragement to his son and daughter to take up jobs at the company. She also said Diaz’s claims weren’t supported by the evidence.



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J. Bernard Alexander III, a lawyer for Diaz, told jurors that “as opposed to a zero-tolerance policy, Tesla had a zero-responsibility policy.”

The “N-word” was “pervasive and virtually everywhere,” Alexander said. He finished his closing remarks by citing some phrases from “The Hill We Climb,” a poem by Amanda Gorman, the 23-year-old poet who moved the nation at the inauguration of President Biden in January. “Being American” is about stepping into the past and “how we repair it,” Alexander said.

Diaz testified that he suffered “sleepless nights” and weight loss as he lost his appetite.

“Some days I would just sit on my stairs and cry,” he told the jury.

The jury’s award included \$6.9 million for emotional distress and \$130 million in punitive damages, according to Diaz’s other attorney, Organ.

Organ said he hopes the ruling encourages Tesla to do “some reevaluation” so none of its other Black employees have to endure similar treatment. “The jury verdict sends a message to one of the wealthiest companies in the world that it must treat all its employees with dignity and respect,” he said.



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Organ also was on the team representing Melvin Berry, a Black former employee who won the \$1-million arbitration award over claims that the company failed to stop his supervisors at its Fremont, Calif., plant from calling him the “N-word.”

Tesla faces yet [another case](#) making similar accusations that is proceeding as a class action in California state court in Oakland.

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Attachment 4

Jury orders Tesla to pay \$137 million to a former worker over racist treatment.



By Niraj Chokshi

Published Oct. 4, 2021 Updated Oct. 13, 2021

A federal jury in San Francisco has ordered Tesla to pay nearly \$137 million to a Black elevator operator who accused the carmaker of ignoring racial abuse he faced while working at the automaker's factory.

The plaintiff, Owen Diaz, said he worked at the factory in Fremont, Calif., for about a year in 2015 and 2016. There, he said, a supervisor and other colleagues repeatedly referred to him using racial slurs. He gave an account of his experience in a 2018 article in The New York Times.

In an interview on Monday evening, Mr. Diaz said he was relieved by the jury's verdict, delivered earlier in the day. "It took four long years to get to this point," he said. "It's like a big weight has been pulled off my shoulders."

He said employees had drawn swastikas and scratched a racial epithet in a bathroom stall and left drawings of derogatory caricatures of Black children around the factory. Despite repeated complaints, the company did little to address the behavior, he said.

"It's not like they were removing the offensive behavior; they would just let people keep adding and adding," he said.

The jury agreed with Mr. Diaz's assertion that Tesla had created a hostile work environment by failing to address the racism he faced. A vast majority of the award — \$130 million — was punitive damages against the company. The rest, \$6.9 million, was for past and future noneconomic damages to Mr. Diaz.

"It's a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for Black people," Mr. Diaz's lawyer, Lawrence Organ of the California Civil Rights Law Group, said in an interview.

Mr. Diaz said he had reached a breaking point when he witnessed similar racist epithets directed at his son, Demetric, who secured a job — his first — at the company with Mr. Diaz's help.

"My son watched his father being broken in front of him," Mr. Diaz said.

In a message to Tesla staff members that was posted on the company's website, Valerie Capers Workman, a human resources executive, noted that Mr. Diaz was a contractor, not a Tesla employee, and played down the allegations in the lawsuit.

"In addition to Mr. Diaz, three other witnesses (all non-Tesla contract employees) testified at trial that they regularly heard racial slurs (including the N-word) on the Fremont factory floor," she wrote. "While they all agreed that the use of the N-word was not appropriate in the workplace, they also agreed that most of the time they thought the language was used in a 'friendly' manner and usually by African-American colleagues."

The company, she wrote in the email, was responsive to Mr. Diaz's complaints, firing two contractors and suspending another. Tesla does not believe the facts justify the verdict, she wrote, but acknowledges that the company was "not perfect" in 2015 and 2016. "We're still not perfect," she added. "But we have come a long way."

Mr. Diaz sued Tesla alongside his son and another Black former employee, but only the elder Mr. Diaz's claims made it to trial. It was not clear whether Tesla planned to appeal the verdict and the damages award.

Kitty Bennett contributed research.

Niraj Chokshi covers the business of transportation, with a focus on autonomous vehicles, airlines and logistics. @nirajc

A version of this article appears in print on , Section B, Page 3 of the New York edition with the headline: Former Tesla Contractor Wins Racial Abuse Suit

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Attachment 5

Daily Labor Report ®

Tesla Ordered to Pay \$137 Million Over Racism in Rare Verdict

By Malathi Nayak

Oct. 4, 2021, 9:24 PM

- Company rarely loses workplace disputes that go to arbitration
- Owen Diaz's case is unusual as it went to public jury trial

Tesla Inc. lost a case against a Black former elevator operator and must pay an unprecedented \$137 million in damages for having turned a blind eye to racial taunts and offensive graffiti the man endured at the electric carmaker's auto plant in Fremont, California.

Owen Diaz, a former contract worker who was hired in 2015 via a staffing agency, was subjected to a racially hostile work environment, a federal jury in San Francisco decided Monday. The award is among the most significant verdicts of its kind.

"I believe that's the largest verdict in an individual race discrimination in employment case," said David Oppenheimer, a clinical professor of law at Berkeley Law. "Class actions are of course in a different category."

Tesla's vice president of people, Valerie Capers Workman, sent an internal email late Monday that the company subsequently published in a blog post on its website titled "Regarding Today's Jury Verdict."

Workman wrote she was "at the defense table for Tesla every day during the trial because I wanted to hear firsthand what Mr. Diaz said happened to him." The post said that "the Tesla of 2015 and 2016 (when Mr. Diaz worked in the Fremont factory) is not the same as the Tesla of today."

Diaz's case marks a rare instance in which Tesla, which typically uses mandatory arbitration to resolve employee disputes, had to defend itself in a public trial. The company almost never loses workplace arbitrations, though it was hit with a \$1 million award in May in a case brought by another ex-contract worker that was similar to Diaz's.

[Read More: Rare Tesla Bias Trial Caps Years of Racism Complaints at Plant](#)

The trial could embolden shareholder activists who have pushed Tesla's board, so far without success, to adopt more transparency about its diversity goals and use of arbitration to resolve complaints regarding sexual harassment and racial discrimination. Tesla's annual meeting is scheduled for Oct. 7.



Contract worker Owen Diaz, right, and his son, Demetric Diaz, in Oakland, California, in 2018.
Photographer: Michael Short/Bloomberg

In court, Tesla argued that it never intended to disregard the rights and safety of African-American workers placed by the staffing agency at the plant and that all incidents reported by Diaz were investigated and resolved.

J. Bernard Alexander III, a lawyer for Diaz, told jurors that “as opposed to a zero-tolerance policy, Tesla had a zero-responsibility policy.”

Sleepless Nights

The “n-word” was “pervasive and virtually everywhere,” Alexander said. He finished his closing remarks by citing some phrases from “The Hill We Climb,” a poem by Amanda Gorman, the 23-year-old poet who moved the nation at the inauguration of President Joe Biden in January. “Being American” is about stepping into the past and “how we repair it,” Alexander said.

Diaz himself testified that he suffered “sleepless nights” and weight loss as he lost his appetite.

“Some days I would just sit on my stairs and cry,” he told the jury.

The jury’s award included \$6.9 million for emotional distress and \$130 million in punitive damages, according to Diaz’s other attorney, Larry Organ. Tesla is the world’s most valuable automaker with a market value of around \$783 billion.

Organ said he hopes the ruling encourages Tesla do so “some reevaluation” so none of its other Black workers have to endure similar treatment. “The jury verdict sends a message to one of the wealthiest companies in the world that it must treat all its employees with dignity and respect,” he said.

Organ was also on the legal team representing Melvin Berry, a Black former worker who won the \$1 million arbitration award over claims that the company failed to stop his supervisors at its Fremont plant from calling him the “n-word.”

Tesla faces yet another case making similar accusations that is proceeding as a class action in California state court in Oakland.

The case is Diaz v. Tesla Inc., 17-cv-06748, U.S. District Court, Northern District of California (San Francisco).

(Updates with quote in third paragraph and Tesla response.)

--With assistance from Josh Eidelson.

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TECH

Tesla must pay \$137 million to ex-worker over hostile work environment, racism

PUBLISHED MON, OCT 4 2021•11:07 PM EDT UPDATED TUE, OCT 5 2021•4:55 PM EDT

**Lora Kolodny**
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KEY POINTS

A San Francisco federal court decided Monday that Tesla must pay a former worker, Owen Diaz, about \$137 million after he endured a hostile work environment and racist abuse working there as an elevator operator.

According to his attorneys, the case was only able to move forward because Diaz had not signed one of Tesla's mandatory arbitration agreements which the company uses to force employees to resolve disputes without a public trial.

A shareholder activist, Nia Impact Capital, has asked Tesla's board to study the effects of mandatory arbitration agreements on the company, voicing concern that they enable harassment and other problems.



Tesla Chief Executive Office Elon Musk speaks at his company's factory in Fremont, California.

Noah Berger | Reuters

A San Francisco federal court decided that [Tesla](#) must pay a former worker, Owen Diaz, around \$137 million after he endured racist abuse working for the company, his attorneys told CNBC on Monday. The jury awarded more than attorneys asked for their client, including \$130 million in punitive damages and \$6.9 million for emotional distress.

Bloomberg first reported on the decision.

Diaz, a former contract worker who was hired at Elon Musk's electric vehicle company through a staffing agency in 2015, faced a hostile work environment in which, he told the court, colleagues used epithets to denigrate him and other Black workers, told him to "go back to Africa" and left racist graffiti in the restrooms and a racist drawing in his workspace.



VIDEO 00:30

Tesla ordered to pay \$137M to ex-worker over hostile work environment

According to Diaz's attorneys, J. Bernard Alexander with Alexander Morrison + Fehr LLP in Los Angeles and Larry Organ with the California Civil Rights Law Group in San Anselmo, the case was only able to move forward because the worker had not signed one of Tesla's mandatory arbitration agreements.

Tesla uses mandatory arbitration to compel employees to resolve disputes behind closed doors rather than in a public trial.

Like other companies that use mandatory arbitration, Tesla rarely faces significant damages or takes deep corrective actions after arbitrators settle a dispute. However, Tesla was required to pay \$1 million — as the result of an arbitration agreement — to another former worker, Melvin Berry, who also endured a racist, hostile workplace at Tesla.

A [pending class-action lawsuit](#) in Alameda County in California — *Vaughn v. Tesla Inc.* — also alleges that Tesla is rife with racist discrimination and harassment.

“We were able to put the jury in the shoes of our client,” Alexander told CNBC. “When Tesla came to court and tried to say they were zero tolerance and they were fulfilling



A shareholder activist, Nia Impact Capital, is urging Tesla's board to study the effects of mandatory arbitration on their own employees and culture.

In particular, the Oakland-based social impact fund is concerned that mandatory arbitration can enable and hide sexual harassment and racist discrimination from Tesla stakeholders, ultimately harming employees, dampening morale and productivity as well as weighing on the bottom line.

In a recent [shareholder proposal](#) Nia Impact Capital wrote:

“The use of mandatory arbitration provisions limits employees’ remedies for wrongdoing, precludes employees from suing in court when discrimination and harassment occur, and can keep underlying facts, misconduct or case outcomes secret and thereby prevent employees from learning about and acting on shared concerns.”

Institutional Shareholder Services, the proxy advisory firm, recommended shareholders vote for Nia's proposal, noting that Tesla has faced many serious allegations of sexual and racial harassment and discrimination over the years.

This is the second year in a row that Nia Impact Capital has floated such a proposal.

This year, as it did last year, Tesla's board has advised shareholders to vote against reporting on the impacts of mandatory arbitration on employees.

Tesla's annual shareholder meeting is scheduled for Oct. 7 and will take place at Tesla's new vehicle assembly plant under construction outside of Austin, Texas.

Tesla did not immediately respond to a request for comment.

However, the company issued a blog post late Monday to the general public, which it said had been distributed internally to employees earlier by Tesla VP of People Valerie Capers Workman. In the post, she downplayed the severity of the racist discrimination



“In addition to Mr. Diaz, three other witnesses (all non-Tesla contract employees) testified at trial that they regularly heard racial slurs (including the n-word) on the Fremont factory floor. While they all agreed that the use of the n-word was not appropriate in the workplace, they also agreed that most of the time they thought the language was used in a ‘friendly’ manner and usually by African-American colleagues.”

She also emphasized that Tesla had made changes since 2016 when Diaz last worked for the company, including adding a Diversity, Equity & Inclusion team, and swapping out an “Anti-Handbook Handbook” with a more traditional Employee Handbook where HR policies are collected in one place.

Workman’s statement did not specify whether or when Tesla plans to appeal.

Read Tesla’s [entire statement here](#).

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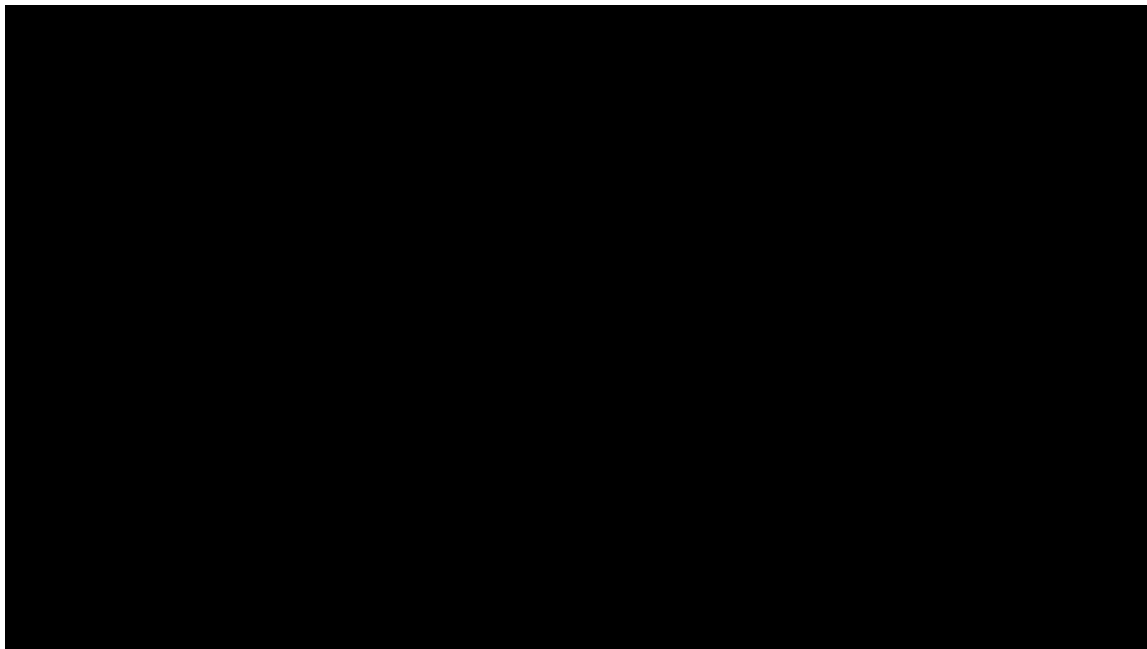
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Former Tesla worker speaks out after winning \$137 million lawsuit

Owen Diaz was hired as an elevator operator at Tesla's factory in Fremont.

By [Kasim Kabbara](#)

October 6, 2021, 11:33 AM • 4 min read



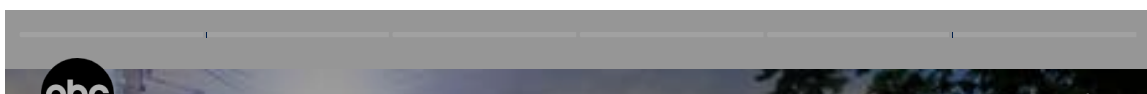
Tesla to pay former employee \$137 million for racist abuse suffered at company

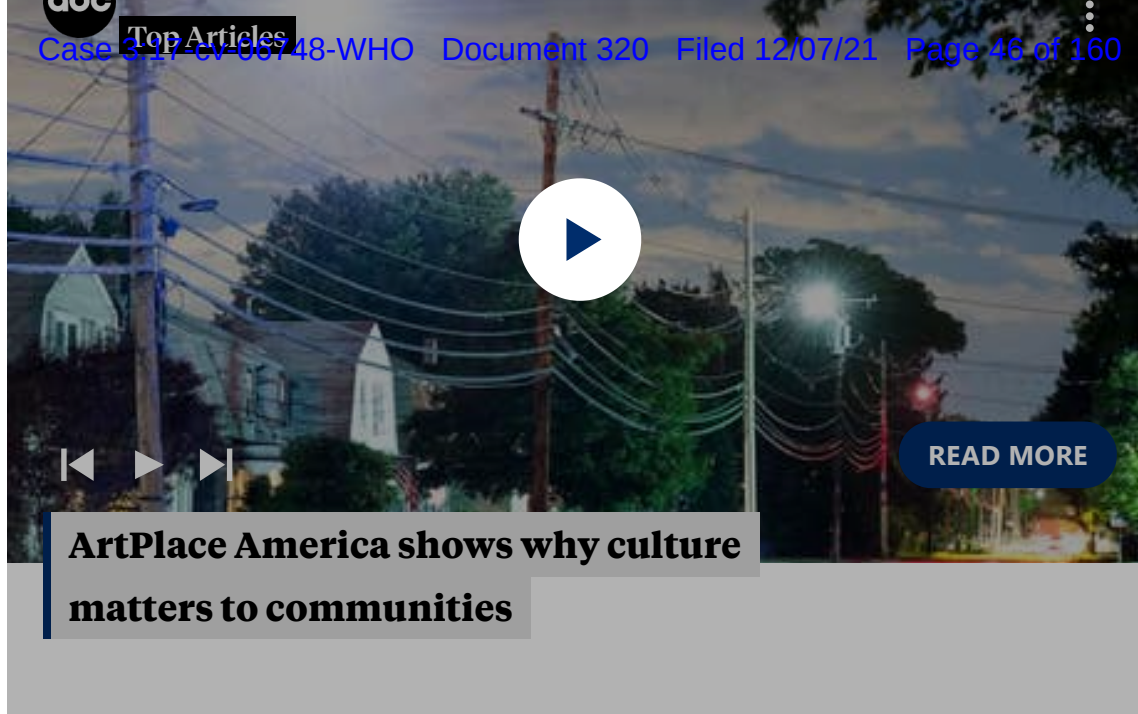
Owen Diaz told the court he faced a hostile work environment where employees drew sw...[Read More](#)
Ben Margot/AP, FILE

Owen Diaz, the former Tesla employee who sued the electric car company over allegations of racism, is opening up about his experience.

“[Tesla] decided not to follow through, they decided to kill investigations,” Diaz said on "Good Morning America" Wednesday. “Tesla, as a company, as a whole, needs to wake up. You know you can't keep treating workers like this.”

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Diaz was hired as a contract elevator operator at Tesla's factory in Fremont, California. He worked there from June 2015 to July 2016. Diaz claimed fellow workers called him the "n-word," was told to "go back to Africa" and saw racist and derogatory images in the factory's bathroom stalls.

Diaz said he complained to Tesla about his treatment but his supervisors failed to stop the abuse. He left the company four years ago, filing a lawsuit in October 2017 that claimed "Tesla's progressive image was a facade papering over its regressive, demeaning treatment of African-American employees."

Now, after receiving one of the largest awards in a racial harassment case in the history of the United States, Diaz said he feels justice was served. A San Francisco federal jury awarded him \$137 million on Monday.

"It's God's justice that this happened, you know, and allowed me to talk for people who can't talk for themselves. A lot of people are living paycheck to paycheck to paycheck. They have to take choose to either take the abuse that these billion-dollar companies are putting out or feed their families," Diaz said.

[+ MORE: Tesla to pay former employee \\$137 million for racist abuse suffered at company](#)

Mr. Diaz's attorney, Lawrence Organ of the California Civil Rights Law Group, spoke to "Good Morning America" as well and said the verdict "makes Tesla take notice of these horrid conditions, and hopefully it will

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Case 3:17-cv-06748-WHO Document 320 Filed 12/07/21 Page 48 of 160
In an internal email to employees, Valerie Capers Workman, Tesla's vice president of people, said Tesla of 2015 and 2016 "is not the same as the Tesla of today." Tesla published Workman's email in a blog post on its website following the verdict.

"While we strongly believe that these facts don't justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016, we were not perfect. We're still not perfect. But we have come a long way from 5 years ago," Workman said in her email.

Tesla had responded to Diaz's complaints of harassment by firing two contractors and suspending a third contractor, according to Workman.


This is not the first time Tesla faced claims of a hostile, racist work environment. The company had to contend in court with similar lawsuits, including a class-action civil rights lawsuit filed in 2017 in Alameda County Superior Court. That case is still pending.

In August, a court ruled that Tesla must pay a million-dollar fine in the case of Melvin Berry, a former black employee, who was allegedly subjected for years to racial insults from his colleagues. Tesla has denied all claims.

Tesla employees are bound by mandatory arbitration contracts when they start their jobs, preventing them from suing the company. Diaz was a contract worker.

Diaz said he knows that his case is "bigger than him."

"This is not really about me. This is about a verdict that a jury made to let Tesla know that they're being put on notice to clean up their factories," he said.

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Tesla must pay \$137m to racially harassed former worker

🕒 5 October



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Carmaker Tesla has been ordered to pay almost \$137m (£101m) in damages for failing to stop a black former worker at its Fremont plant from being abused.

Owen Diaz, a lift operator from 2015 to 2016, was subjected to a racially hostile work environment, a federal court in San Francisco found.

Mr Diaz claimed black workers regularly faced racist slurs on the factory floor and racist graffiti in bathrooms.

Tesla disputed the verdict but said it recognised it was "not perfect".

Mr Diaz's lawsuit alleged African-American workers "encountered a scene straight from the Jim Crow era" at the electric carmaker's Fremont factory.

It said colleagues used racial epithets "daily" and told Mr Diaz to "go back to Africa".

"Tesla's progressive image was a facade papering over its regressive, demeaning treatment of African-American employees," it said.

- [Google 'suggested medical leave' for racism victims](#)
- [Amazon site advertises shoes using racial slur](#)

Despite complaints to supervisors, the court found Tesla did not take reasonable steps to tackle the abuse.

On Monday, the jury at the San Francisco court awarded Mr Diaz \$130m in punitive damages and \$6.9m for emotional distress, according to Mr Diaz's attorneys.

One of them, Lawrence Organ of the California Civil Rights Law Group, said he hoped the high penalty would spur change.

"It's gratifying to know that a jury's willing to hold Tesla accountable, one of the world's largest, richest corporations finally is told, 'You can't let this kind of thing happen at your factory,'" he told the Washington Post.

'We're still not perfect'

In a [message to employees shared on Tesla's website](#), the firm's vice president of people, Valerie Capers Workman, said she "strongly" believed the verdict was unjustified. The carmaker had responded in a "timely" way to Mr Diaz's complaints, she said.

She added: "We do recognise that in 2015 and 2016 we were not perfect. We're still not perfect. But we have come a long way from five years ago."

She said the firm had added an employee relations team, dedicated to investigating complaints, and a diversity team focused on ensuring equal opportunities at Tesla.

Black employees made up just 4% of Tesla US leadership roles and 10% of its total workforce in the country, according to its first diversity report published in December,

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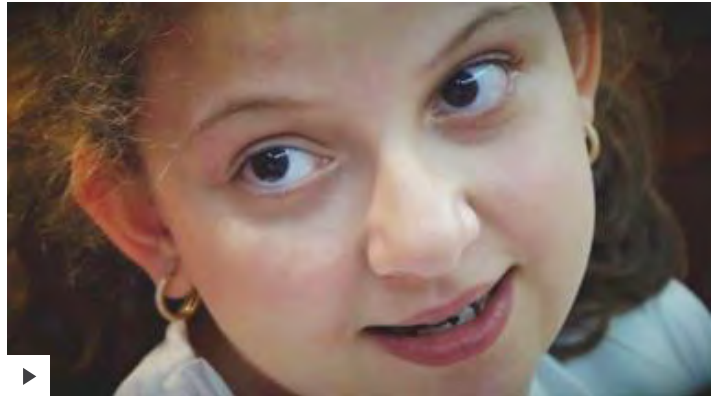
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October 6, 2021 7:56 AM PDT Last Updated 3 months ago

Change Suite

Tesla faces investor test after big jury award over racism

By Hyunjoo Jin and Ross Kerber, Rick Linsk

3 minute read



1/3



The logo of car manufacturer Tesla is seen at a dealership in London, Britain, May 14, 2021.
REUTERS/Matthew Childs

SAN FRANCISCO/BOSTON, Oct 6 (Reuters) - A contract worker has won a \$137 million jury award over workplace racism against Tesla Inc ([TSLA.O](#)), raising pressure on the electric vehicle maker whose shareholders will vote on Thursday on a proposal to review how it addresses similar complaints for full-time employees.

The nonbinding shareholder resolution asks Tesla's board to study the impact of the company's current use of mandatory arbitration to resolve complaints of harassment and discrimination in its workplace. Tesla opposes the plan.



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On Monday, a San Francisco federal jury made the award to former Tesla worker Owen Diaz. "The verdict sends a message to corporate America that you need to make sure that racist conduct is not occurring," Lawrence Organ, his attorney told Reuters.

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Diaz was able to face a public trial because contract workers were not subject to Tesla's mandatory arbitration, which forces employees to resolve disputes outside judiciary courts.



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Tesla advised against the resolution because, it said, arbitration "benefits both parties with a fair resolution and a speedier return to their respective priorities without miring them in lengthy litigation."

Some technology companies have scaled back or eliminated mandatory arbitration. Uber and Lyft no longer require mandatory arbitration in cases over sexual harassment. Google ended mandatory arbitration in 2019. In April, nearly half of Goldman Sachs Group Inc shareholders **voted in favor** of examining the bank's use of mandatory arbitration.

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Imre Szalai, a law professor at Loyola University New Orleans, said such a verdict against Tesla would create "shaming and awareness" of problems at the company.

"The public becomes aware that Tesla needs to change and increases more pressure for the company, as opposed to confidential arbitration award that doesn't get that much publicity," he said.

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Tesla arbitration agreements with employees and customers effectively bars them from publicly fighting in court disputes about pay, sexual harassment, race, disability and other kinds of discrimination, as well as product defects.

There are around 100 cases in U.S. federal and state courts where Tesla sought to compel arbitration including lawsuits against the company over employment, personal-injury, and contract matters, according to Reuters' review of Westlaw case data.

Kristin Hull, CEO of Nia Impact Capital who filed the resolution, said Monday's jury verdict could help boost support. A similar measure last year garnered a 27% share of votes cast. Musk has 23.1% of Tesla shares.

"This will be alarming," she told Reuters after the verdict. "That's a huge brand risk for Tesla to have these cases."

Tesla's clean-transportation credentials have made it a popular investment for Environmental Social and Governance investors. "This has taken a lot of environmental investors by surprise and they're not happy," she said.

Nia Impact Capital has tried to sway major shareholder BlackRock Inc ([BLK.N](#)), whose funds voted against the resolution last year. BlackRock declined to comment.

Tesla said that in the years since Diaz worked at the company it has added employees to investigate complaints and to promote equal opportunity.

In a blog post after the jury verdict Tesla Vice President Valerie Capers Workman wrote that "we will continue to remind everyone who enters the Tesla workplace that any discriminatory slurs – no matter the intent or who is using them – will not be tolerated."

Still proxy advisory firms Institutional Shareholder Services (ISS) and Glass Lewis both have recommended investors support the proposal, as they did the similar proposal last year.

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Reporting by Hyunjoo Jin and Ross Kerber and Rick Linsk; Editing by Peter Henderson and David Gregorio

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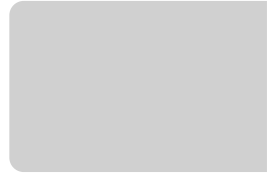
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Japan billionaire Maezawa to fulfil childhood dream with space flight

Case 3:17-cv-00748-WHO Document 320 Filed 12/07/21 Page 69 of 160

Japanese billionaire Yusaku Maezawa said he could barely contain his excitement a day ahead of blasting off to the International Space Station in a prelude to a more ambitious trip around the moon with Elon Musk's SpaceX planned in 2023.

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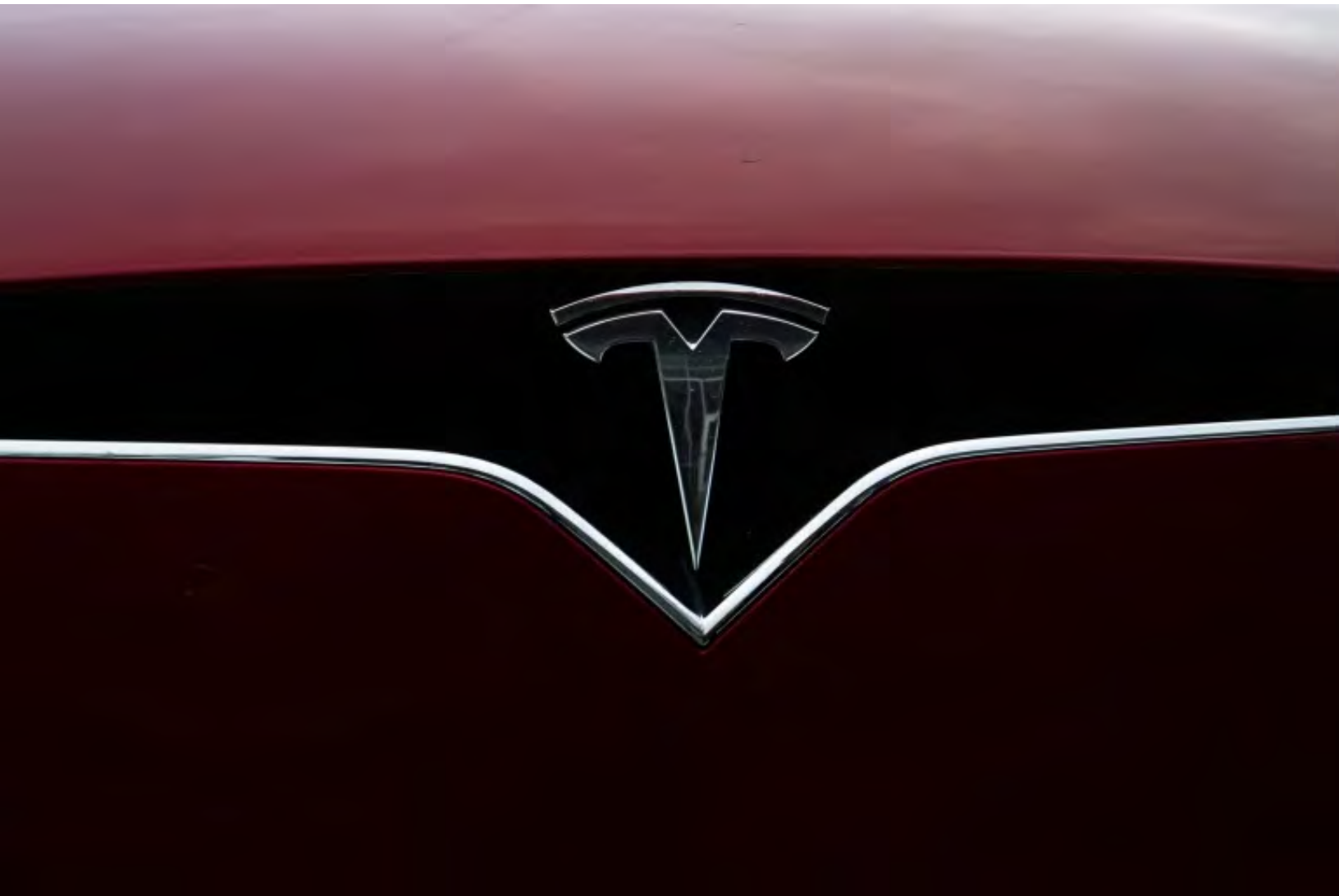
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Economy | Business and Economy | **Bloomberg**

Tesla to pay \$137m to former employee over racism at work

Former contract worker hired through a staffing agency was subjected to racially hostile work environment, a jury said.



Tesla has argued that it never intended to disregard the rights and safety of African American workers [File: Nina Riggio/Bloomberg]

By Malathi Nayak | Bloomberg

5 Oct 2021



Tesla Inc. lost a trial with a Black former elevator operator and must pay him \$137 million for having turned a blind eye to racial taunts and offensive graffiti he endured at the electric-car maker's northern California plant, according to the man's lawyer.

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Organ, a lawyer for Diaz. The verdict couldn't immediately be confirmed in electronic court records.

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Diaz's case marked a rare instance in which Tesla, which typically uses mandatory arbitration to resolve employee disputes, had to defend itself in a public trial. The company almost never loses workplace arbitrations, though it was hit with a \$1 million award in May in a case brought by another ex-worker that was similar to Diaz's.

The trial's outcome could embolden shareholder activists who have pushed Tesla's board, so far without success, to adopt more transparency about its use of arbitration to resolve complaints about sexual harassment and racial discrimination. The board is urging investors to vote down such a proposal at an Oct. 7 shareholder meeting even as other big Silicon Valley companies, from Alphabet Inc. to Uber Technologies Inc., have backed off the use of mandatory arbitration.

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Tesla and its attorney, Tracey Kennedy, didn't immediately respond to requests for comment.

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In closing arguments to the jury, Kennedy said “Mr. Diaz’s story simply doesn’t make sense” in light of his encouragement to his son and daughter to take up jobs at the company. She also said Diaz’s claims weren’t supported by the evidence.

J. Bernard Alexander III, a lawyer for Diaz, told jurors that “as opposed to a zero-tolerance policy, Tesla had a zero-responsibility policy.”

The “n-word” was “pervasive and virtually everywhere,” Alexander said. He finished his closing remarks by citing some phrases from “The Hill We Climb,” a poem by Amanda Gorman, the 23-year-old poet who moved the nation at the inauguration of President Joe Biden in January. “Being American” is about stepping into the past and “how we repair it,” Alexander said.

Diaz himself testified that he suffered “sleepless nights” and weight loss as he lost his appetite.

“Some days I would just sit on my stairs and cry,” he told the jury.

The jury’s award included \$6.9 million for emotional distress and \$130 million in punitive damages, according to Diaz’s other attorney, Organ.

Organ said he hopes the ruling encourages Tesla do so “some reevaluation” so none of its other Black employees have to endure similar treatment. “The jury verdict sends a message to one of the wealthiest companies in the world that it must treat all its employees with dignity and respect,” he said.

Organ also was on the team representing Melvin Berry, a Black former employee who won the \$1 million arbitration award over claims that the company failed to stop his supervisors at its Fremont plant from calling him the “N-word.”

Tesla faces yet another case making similar accusations that is proceeding as a class action in California state court in Oakland.

The case is Diaz v. Tesla Inc., 17-cv-06748, U.S. District Court, Northern District of California (San Francisco).

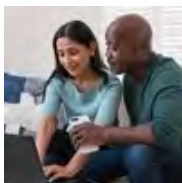
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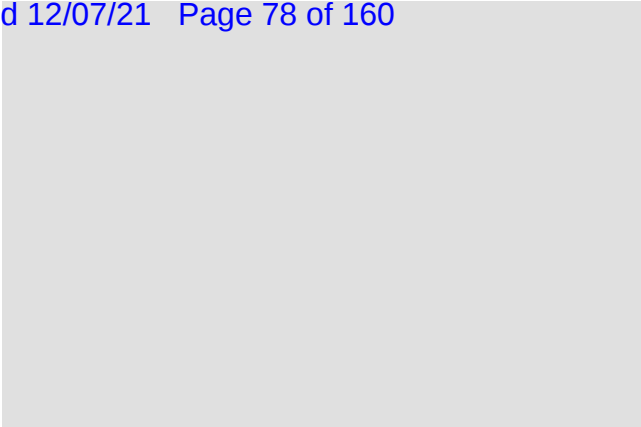
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Owen Diaz alleges that his co-workers at a Tesla factory told him to ‘go back to Africa’ and used racist epithets.

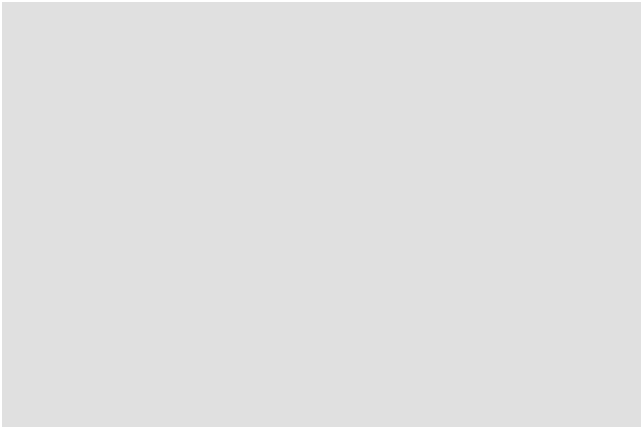
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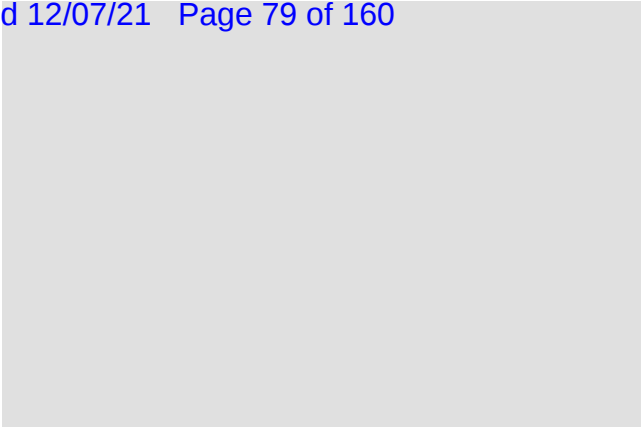
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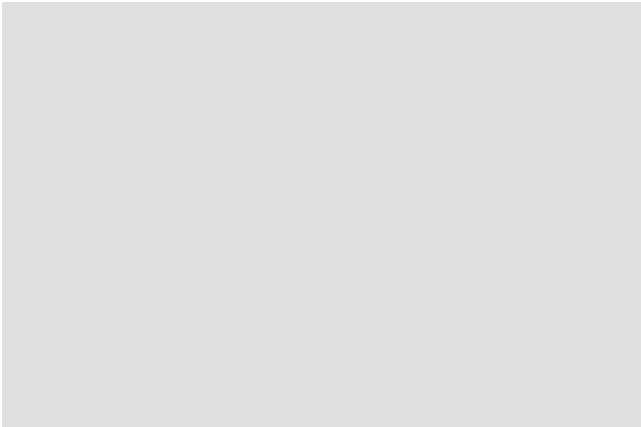
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Driver in China successfully sues Tesla for fraud

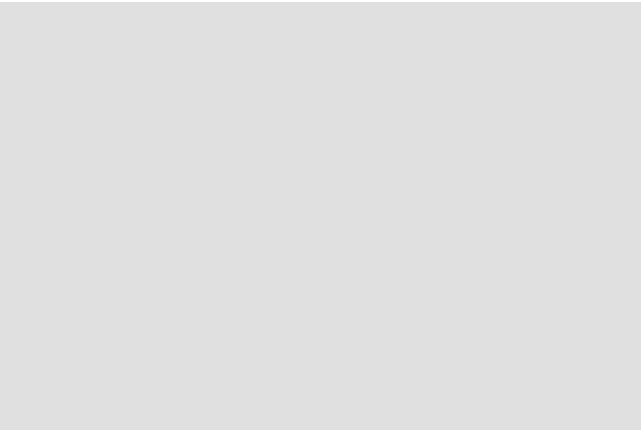
Court case adds to this year's spate of bad publicity for Tesla in China – a key market for the electric vehicle maker.

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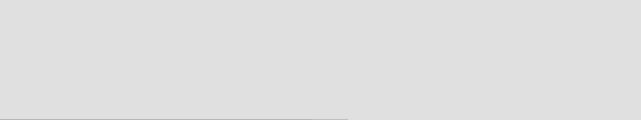


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Attachment 11



Tesla

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Tesla ordered to pay \$137m to Black former employee for racial abuse

Oliver Laughland *and agencies*

🐦 @oliverlaughland

Tue 5 Oct 2021 10.40 EDT

Tesla has been ordered by a federal court in [California](#) to pay almost \$137m in damages to a Black former employee who said he endured racial abuse while working at a factory in Fremont.

Owen Diaz, a former contracted elevator operator who worked at the plant between 2015 and 2016, alleged he was harassed and faced “daily racial epithets” including the “N-word”. He also said employees drew swastikas and left racist graffiti and drawings around the plant.

On Monday, a jury in San Francisco sided with Diaz, who was awarded \$6.9m in damages for emotional distress and \$130m in punitive damages, [according to Diaz’s](#)

attorney, Lawrence A Organ.

“It took four long years to get to this point,” Diaz told the New York Times. “It’s like a big weight has been pulled off my shoulders.”

Organ, of the California Civil Rights Law Group, said: “It’s a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for Black people.”

Diaz’s lawsuit claimed that supervisors failed to stop the racial abuse.

“Tesla’s progressive image was a façade papering over its regressive, demeaning treatment of African American employees,” the lawsuit stated.

It was not immediately clear if Tesla would appeal but on Monday it issued a statement attempting to downplay the case.

“While we strongly believe that these facts don’t justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016 we were not perfect. We’re still not perfect,” wrote Valerie Capers Workman, Tesla’s human resources vice-president.

“But we have come a long way from five years ago. We continue to grow and improve in how we address employee concerns. Occasionally, we’ll get it wrong, and when that happens we should be held accountable.”

If upheld, the award would be a blow to a company that has been subject to allegations of workplace problems but requires employees to resolve disputes through mandatory arbitration, which the firm rarely loses.

In May, an arbitrator ordered Tesla to pay more than \$1m over similar allegations by another former Fremont factory worker. That employee alleged co-workers called him a racial slur and supervisors ignored his complaints.

Diaz was contracted through a staffing agency and did not have to sign an arbitration agreement.

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Jury Awards Former Tesla Worker \$137 Million in Race Bias Suit

By Lisa Nagele-Piazza, J.D., SHRM-SCP

October 6, 2021

A federal district judge ordered Tesla to pay a Black former elevator operator \$137 million in damages on his claim that the electric carmaker ignored racial epithets and graffiti that created a hostile work environment.

We've rounded up resources and articles from *SHRM Online* and other trusted outlets on the news.

Rare Verdict

The jury awarded \$6.9 million to the plaintiff for emotional distress and \$130 million in punitive damages, according to an attorney for the plaintiff. Punitive damages are meant to punish the company for egregious conduct and to deter it, as well as other employers, from engaging in similar conduct in the future. Experts say the award is unusually high for an individual lawsuit (rather than a class action with many plaintiffs). Tesla's market value is about \$783 billion, which makes it the most valuable automaker in the world and may explain why the punitive damage award was so high. Tesla has not said whether it will appeal the verdict and damage award.

(Bloomberg (<https://www.bloomberg.com/news/articles/2021-10-04/tesla-ordered-to-pay-137-million-for-harboring-workplace-racism>))

Worker Claims 'Daily Racist Epithets'

The plaintiff, who was contracted to work through a staffing agency in 2015 and 2016, claimed that he was forced to quit because he was subjected to "daily racist epithets," including the N-word, as well as swastika drawings and other racist graffiti at a Tesla plant in the San Francisco Bay Area. The plaintiff said supervisors did not curb the behavior. "Tesla's progressive image was a façade papering over its regressive, demeaning treatment of African-American employees," the plaintiff claimed in his lawsuit. Tesla did not comment on the verdict but has previously denied knowing about alleged racist conduct at the Bay Area plant, which has about 10,000 workers.

(Associated Press (<https://apnews.com/article/business-san-francisco-race-and-ethnicity-tesla-inc-african-americans-d74d7fc97fc5b0608c26015aa77d7c74>))

Tesla's HR Leader Responds

Valerie Capers Workman, Tesla's vice president of people, said in a letter to employees that she "was at the defense table for Tesla every day during the trial because [she] wanted to hear firsthand what [the plaintiff] said happened to him." She added, "While we strongly believe that these facts don't justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016 we were not perfect. We're still not perfect." Workman noted that Tesla has since added an employee relations team to investigate complaints; a diversity, equity and inclusion team to help ensure employees have equal opportunities; and a comprehensive employee handbook so employees know what protections they have and how to report issues.

(Tesla (<https://www.tesla.com/blog/regarding-todays-jury-verdict>))

Section 1981 Claims

The plaintiff in this case brought his racial harassment claim under 42 U.S.C. 1981, which was originally part of the Civil Rights Act of 1866 and is generally known as a Section 1981 claim. Section 1981 claims differ from claims brought under Title VII of the Civil Rights Act of 1964 in several ways. Section 1981 only covers claims of intentional discrimination based on race, whereas Title VII covers more categories of discrimination, as well as disparate impact claims based on a neutral policy with a discriminatory effect. Significantly, Title VII limits compensatory and punitive damages to \$300,000 for large employers, whereas Section 1981 doesn't have a cap on damages.

(*The Washington Post* (<https://www.washingtonpost.com/technology/2021/10/04/tesla-discrimination-case/>)) and (The National Law Review (<https://www.natlawreview.com/article/5-differences-between-title-vii-and-section-1981-can-help-your-employment-race>))

Advancing Racial Equity in the Workplace

Black employees are most at risk for experiencing bias, followed by Latino and Asian-American employees. However, even employees who don't directly experience bias are negatively impacted by observing others being treated unfairly. Research from the Society for Human Resource Management (SHRM) found that racial inequity is often perpetrated by supervisors, managers and senior leaders. Racial bias in the workplace is annually costing U.S. businesses \$54.1 billion in increased absenteeism, \$58.7 billion in lost productivity and \$171.9 billion in turnover, according to SHRM's research. HR has a pivotal role to play in restructuring workplaces to truly advance racial equity and inclusion.

(*SHRM Online* (www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/advancing-racial-equity-in-the-workplace.aspx))

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Tesla must pay \$137 million in discrimination lawsuit

Steve Dent

6:45 AM PDT • October 5, 2021



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Steve Dent is an associate editor at [Engadget](#).

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company's EV plant in Fremont, California, the [Washington Post](#) has reported. A San Francisco federal court jury awarded the judgement — reportedly one of the largest in an individual race discrimination employment case — to Owen Diaz, an elevator operator who worked as a contract employee in 2015 and 2016.

In the lawsuit, Diaz alleged that he faced discrimination “straight from the Jim Crow era,” in which he was subjected to racial slurs. He alleged that Tesla employees left drawings of swastikas, racist graffiti and offensive cartoons around the plant, while supervisors neglected to halt the abuse. “Tesla’s progressive image was a façade papering over its regressive, demeaning treatment of African-American employees,” according to the lawsuit.

The jury awarded Diaz \$6.9 million for emotional distress, but the majority, \$130 million, was punitive damages against Tesla. “It’s a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for Black people,” said the lawyer for Diaz, Lawrence Organ.

“It took four long years to get to this point,” Diaz told the [New York Times](#). “It’s like a big weight has been pulled off my shoulders.”

In response to the verdict, Tesla downplayed the allegations in a [blog post](#) written by human resources VP Valerie Capers Workman. “In addition to Mr. Diaz, three other witnesses (all non-Tesla contract employees) testified at trial that they regularly heard racial slurs (including the N-word) on the Fremont factory floor,” she wrote. “While they all agreed that the use of the N-word was not appropriate in the workplace, they also agreed that most of the time they thought the language was used in a ‘friendly’ manner and usually by African-American colleagues.”

Tesla added that it was responsive to Mr. Diaz’s complaints, firing two contractors and suspending another. She said that while the facts didn’t justify the verdict, the company was “not perfect” in 2015 and 2016, “but we have come a long way.” The company has yet to say whether it plans to appeal.

Editor’s note: *This article originally appeared on [Engadget](#).*

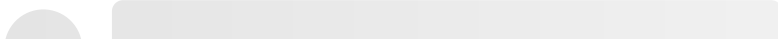
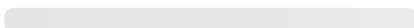
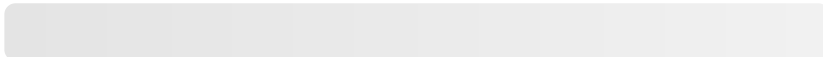
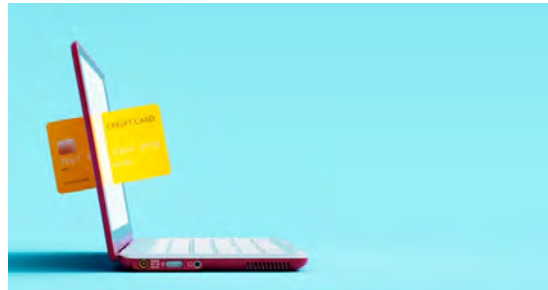


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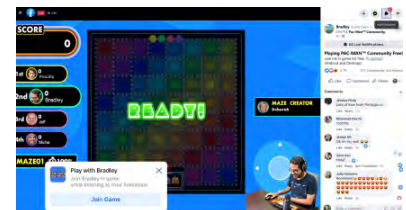
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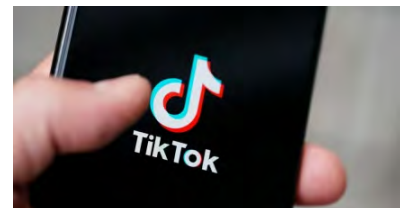
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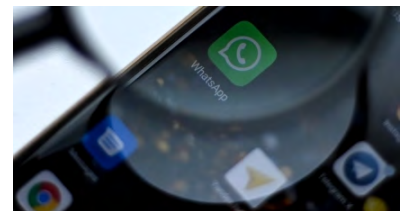
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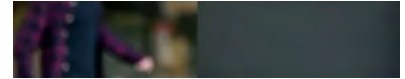
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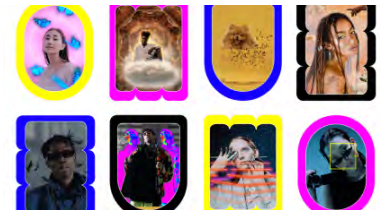
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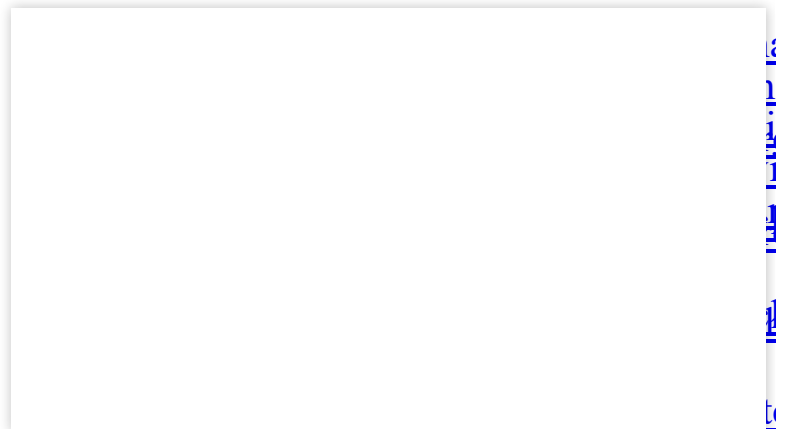
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Tesla worker wins £100,000,000 payout after suffering racist abuse

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[Isabel Keane](#)

Tuesday 5 Oct 2021 7:58 pm

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Former Tesla employee Owen Diaz won \$137million in a discrimination 'straight from Jim Crow era' (Pictures: AP/

A black man who found swastikas and racist graffiti at payout.

Elevator operator Owen Diaz, 52, described the discrimination 'straight from Jim Crow era' before he was given a \$137million (£100million) payo

He found offensive cartoons showing derogatory caricatures of black children around the plant where he worked, but his supervisors turned a blind eye.

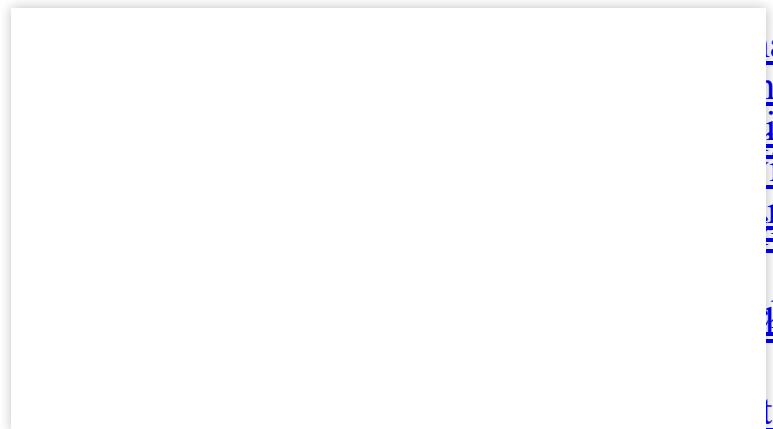
When he complained, one of his supervisors told him that he ‘couldn’t take a joke.’



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The same person drew a person with a black face and a bone in his hair and wrote ‘booo’, short for ‘jigaboo’.

His lawsuit against the firm stated that ‘Tesla’s progressive image was a façade papering over its regressive demeaning treatment of African-American employees.’





Despite his complaints of discrimination, plaintiff Owen Diaz alleges the company did very little to address the behavior (Picture: Sipa USA)

A jury agreed after four hours of deliberation at a court in San Francisco.

His lawyer Lawrence Organ said: 'It's a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for black people.'

He was given almost \$7 million for emotional stress and another \$130 million for punitive damages.

Despite the abuse he faced, Diaz told [The New York Times](#) he reached a breaking point when he witnessed similar abuse directed to his son, who secured a job at the company with his father's help.

He said: 'My son watched his father being broken in front of him.'

His son also sued Tesla, alongside another black former employee.





A San Francisco jury agreed with Owen Diaz, a former Tesla employee, that the company's work environment by failing to address the racism he ended.

It's unclear whether Tesla is planning to appeal the court's ruling.

Tesla's VP for Human resources, Valerie Capers Workman, said that in addition to Diaz, three other witnesses testified saying they 'regularly heard racial slurs (including the N-word) on the Fremont factory floor'.

Workman added: 'While they all agreed that the use of the N-word was not appropriate in the workplace, they also agreed that most of the time they thought the language was used in a "friendly" manner and usually by African-American colleagues.'



[Storm Barra named as UK prepares for heavy snow and 70mph winds](#)

Tesla also claims it fired two contractors and suspended another, in response to Diaz's complaints.

Workman added: 'We do recognize that in 2015 and 2016 we were not perfect.'

'We're still not perfect. But we have improved in how we address employee concerns.'

'Occasionally we'll get it wrong, and we apologize.'

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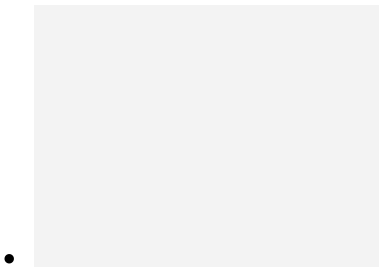
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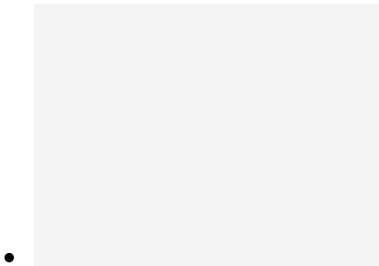
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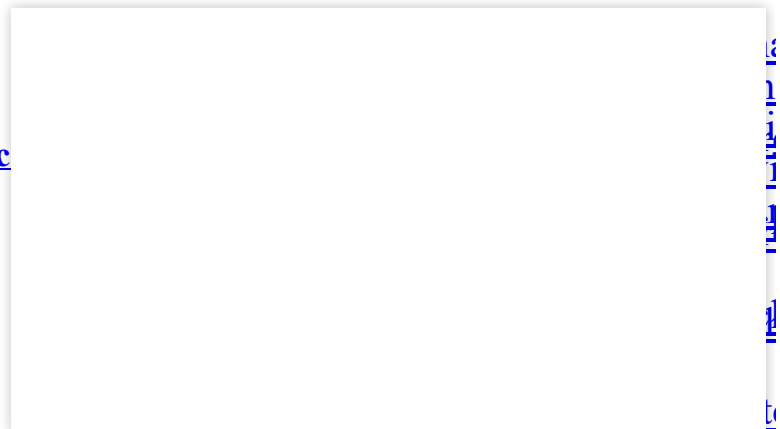
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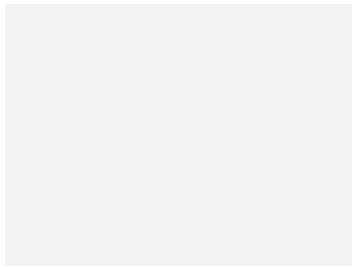


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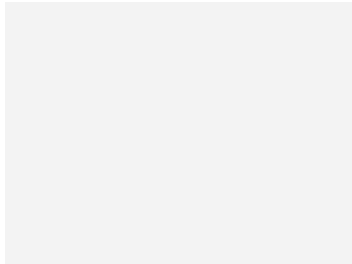


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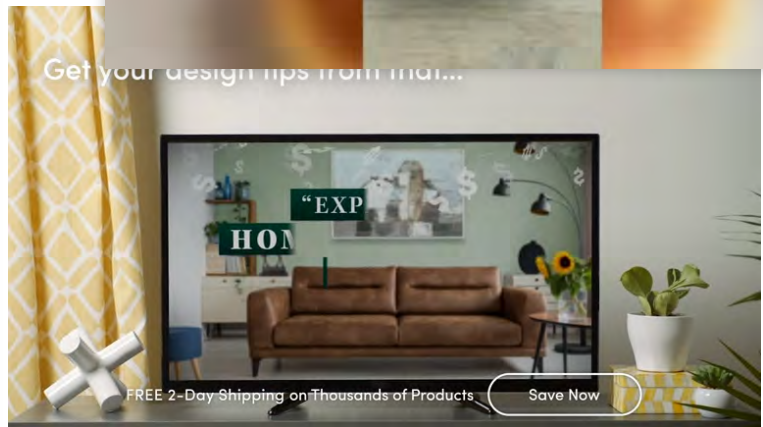
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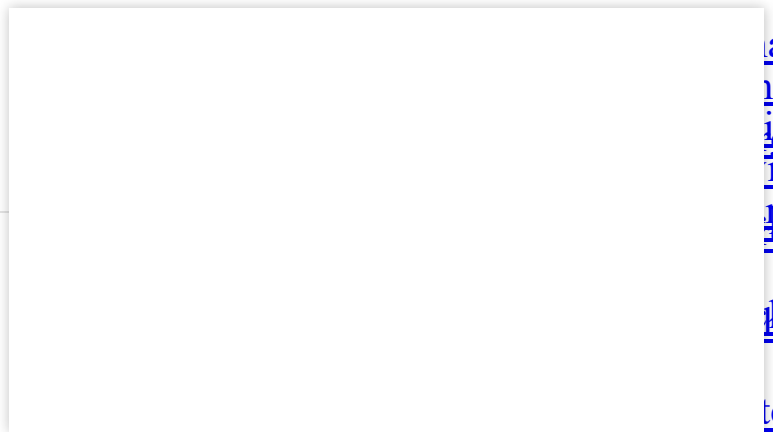
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ROBERTO MAIETTA · 6 October, 2021



I've got a feeling that Tesla will probably challenge the payout. Who knows, this may remain in court under appeals for so long, that the plaintiff may pass away from old age before he actually sees any money from it?

👍 10 🗨️ 2

ROLLINGEYES · 5 October, 2021

I don't understand how a court can arrive at this sort of figure no matter how much an employer has abused an employee. If it is to set an example then surely most of that money should be in the form of a fine.

👍 29 🗨️ 15

↩️ 1 reply

FISH · 5 October, 2021

Who is laughing now? 🤔🤔🤔🤔

With penalties like that things will change (Ed

👍 22 🗨️ 9

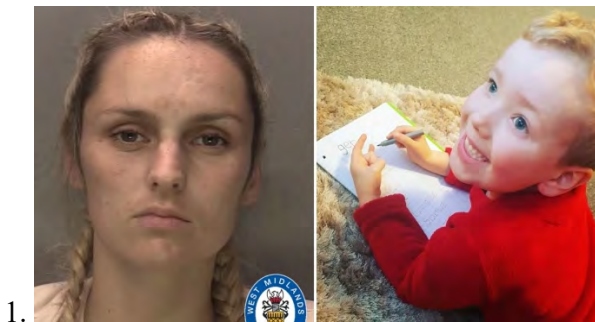
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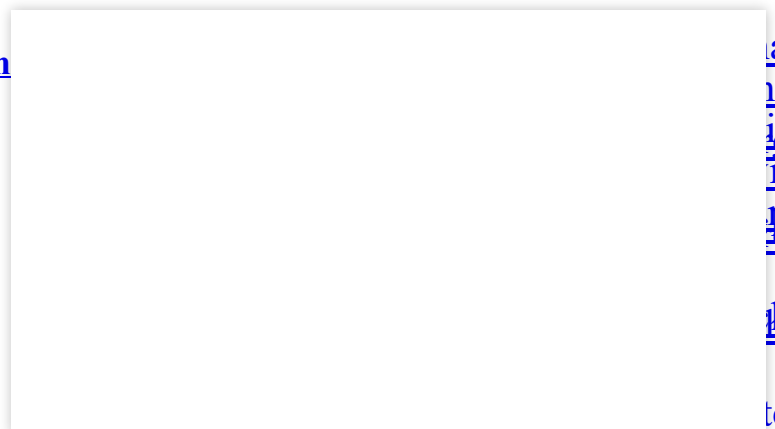
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'She was crueller to Arthur so she deserved it.'



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Arthur's killers 'should never see the light

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Hundreds gather to pay tribute to Arthur Labinjo-Hughes at vigil

Residents, some with tears in their eyes, could be heard saying 'bye Arthur' and 'fly high always'.

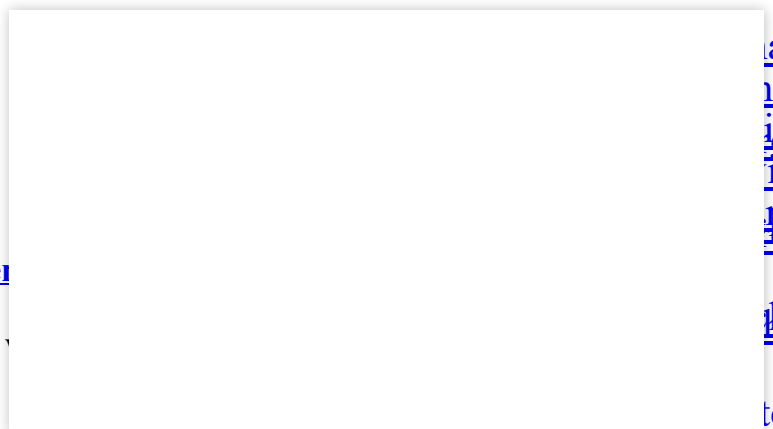
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The Government is planning a crackdown on those

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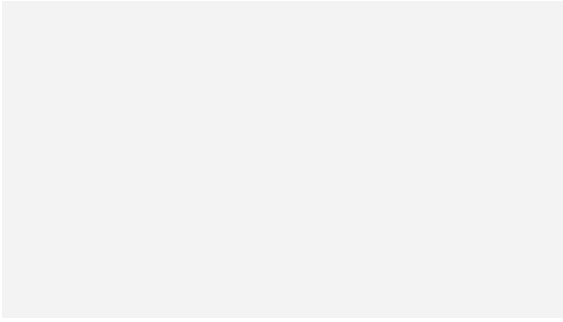
The country has been told to expect more strong winds and heavy rain.

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Inquiry launched into murder of Arthur I

Arthur, aged six, died after he was subjected to dad and step-mum despite previous warnings to aut

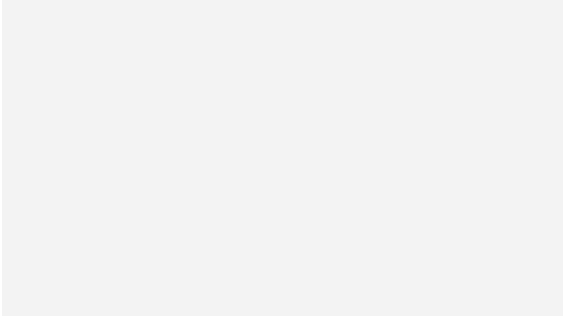
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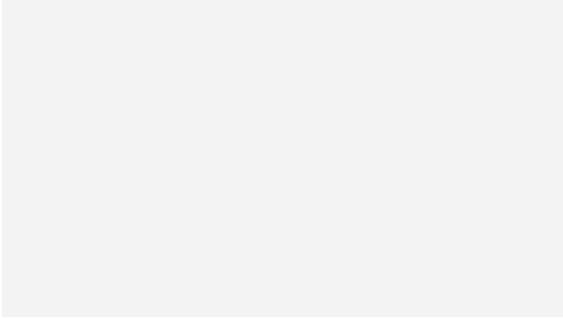


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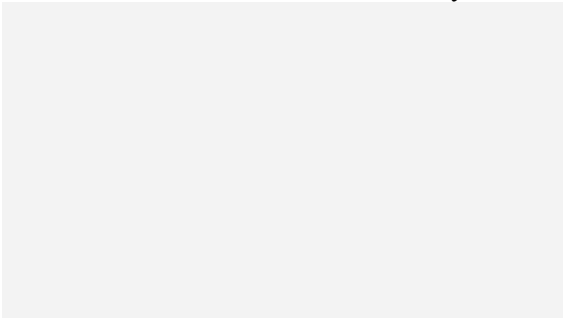
Under the plans, the NHS was expected to deliver courses of the tablet to critically ill patients and immunosuppressed patients within as little as 48 hours of them testing positive.



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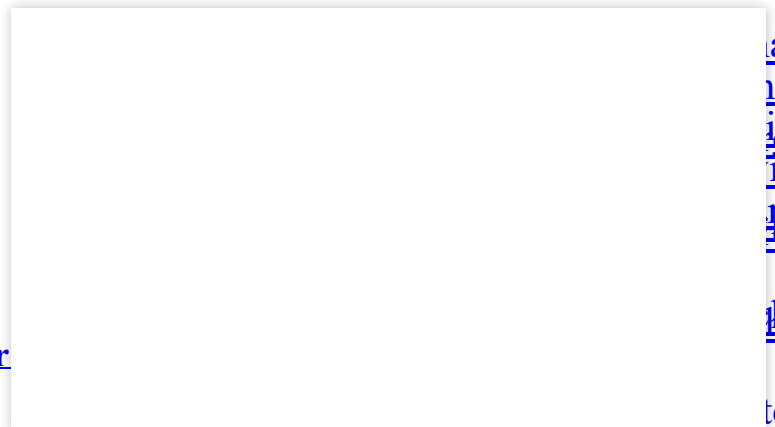
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One of her favourites was The Best by Tina Turner.



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Mansoor Kiani, 28, was also videoed being driven round in a Ferrari as he flaunted his earnings from peddling heroin and cocaine.

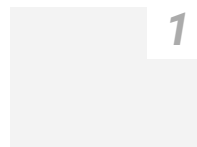
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Professor Dame Sarah Gilbert says Covid vaccines may be less effective at preventing infection with Omicron.

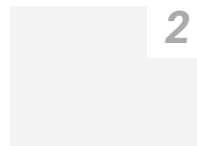
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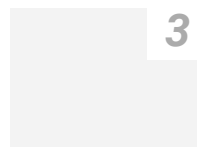
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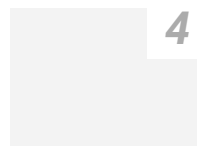
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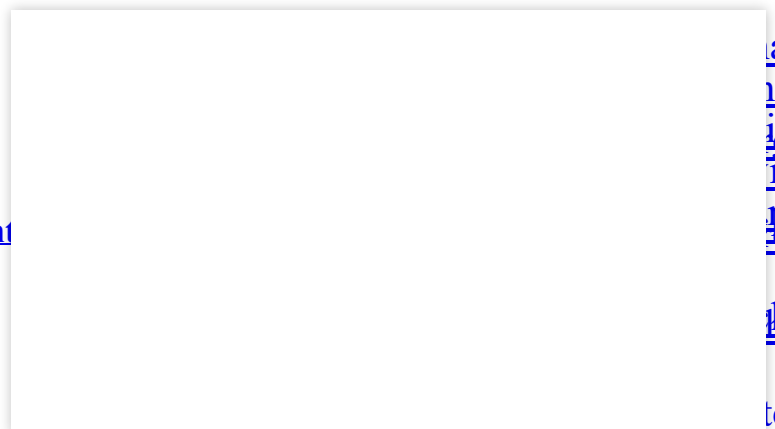
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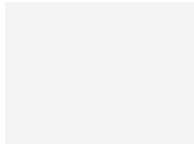
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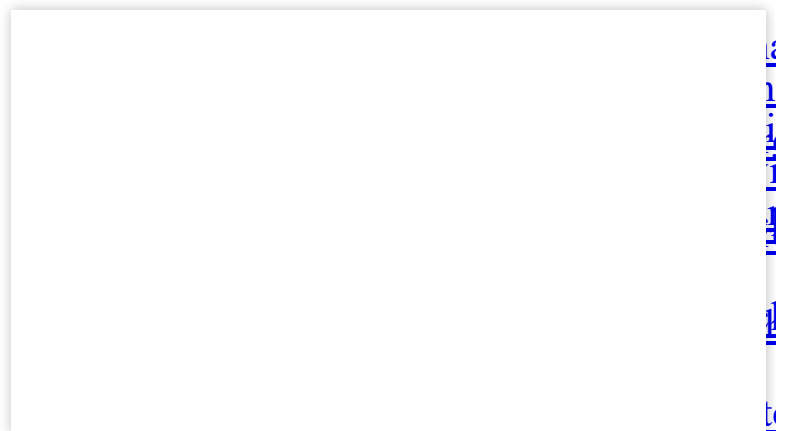
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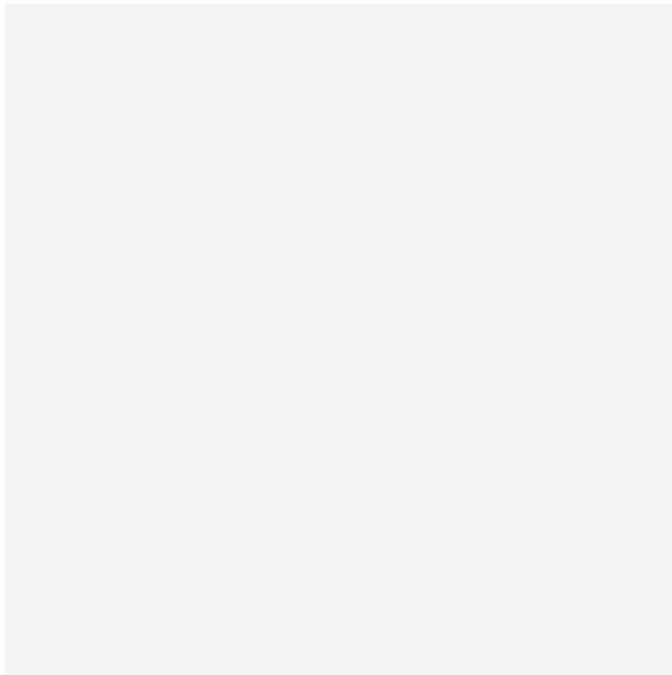




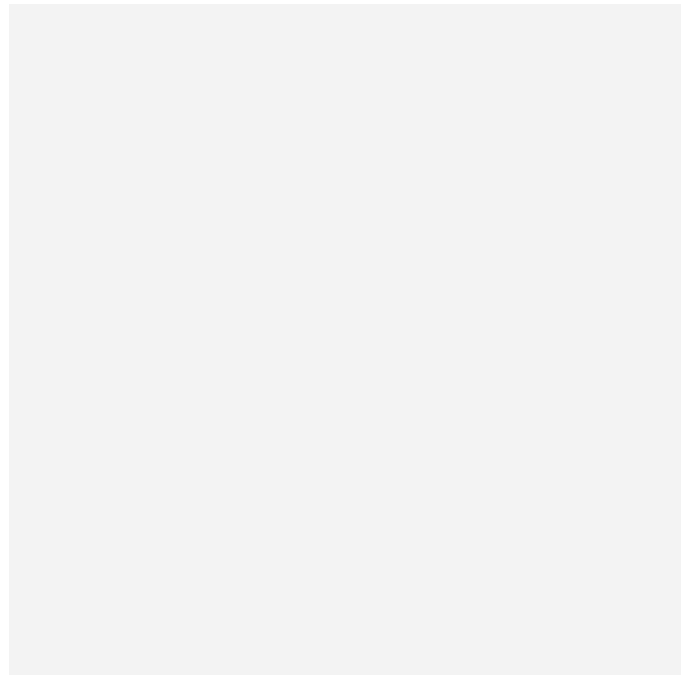
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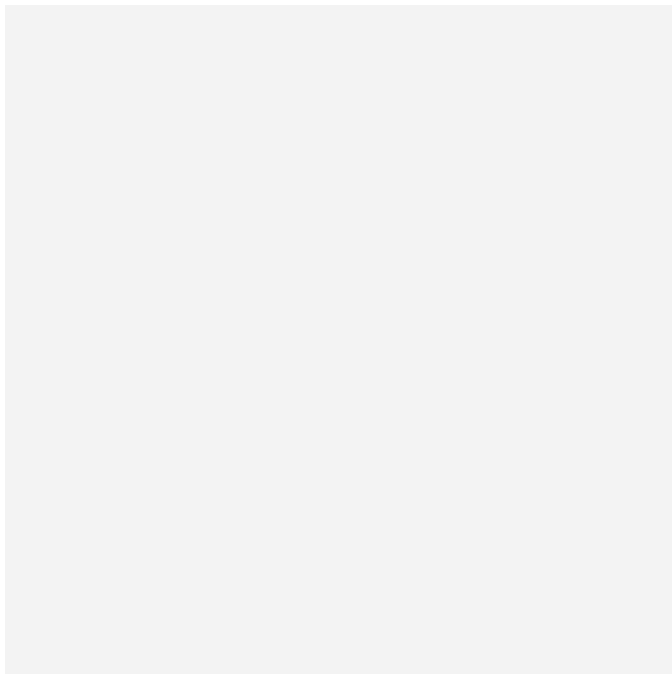




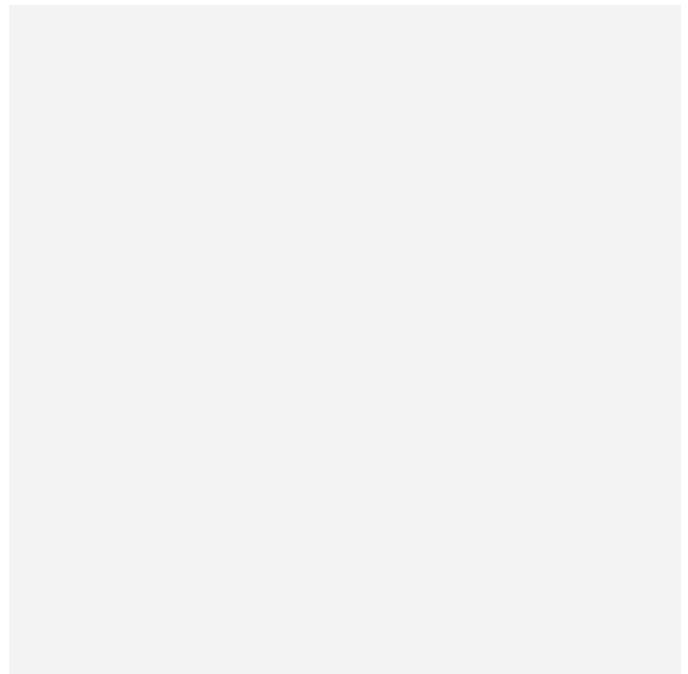
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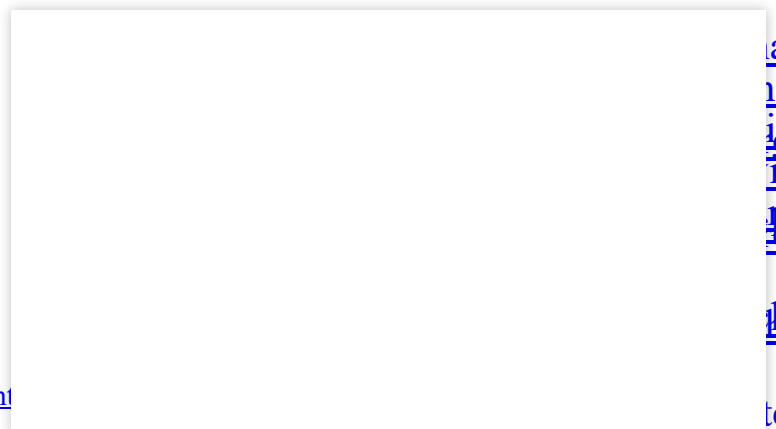
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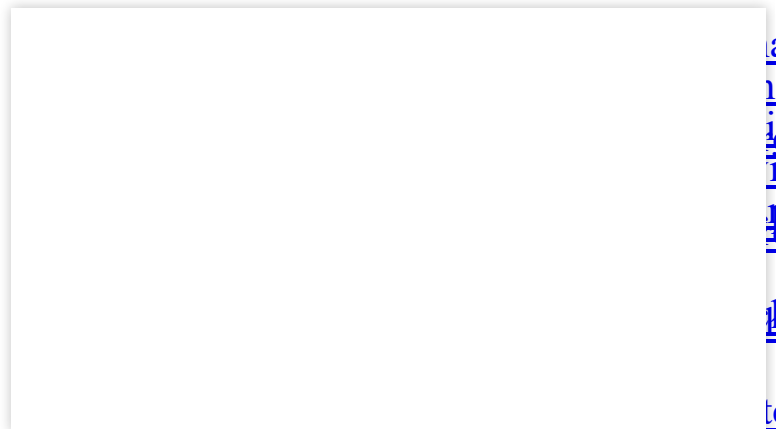
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Jury orders Tesla to pay \$137 million

By Malathi Nayak

and Dana Hull Bloomberg News

Oct 11, 2021



This Tesla Motors factory complex in Fremont, Calif., is where a former elevator operator said he endured racial discrimination while doing his job. A San Francisco jury ordered the car company to pay \$137 million in damages.

Bay Area News Group photo

Tesla lost a case against a Black former elevator operator and must pay an unprecedented \$137 million in damages for having turned a blind eye to racial taunts and offensive graffiti the man endured at the electric carmaker's auto plant in Fremont, Calif.

Owen Diaz, a former contract worker who was hired in 2015 via a staffing agency, was subjected to a racially hostile work environment, a federal jury in San Francisco decided last week. The award is among the most significant verdicts of its kind.

"I believe that's the largest verdict in an individual race discrimination in employment case," said David Oppenheimer, a clinical professor of law at Berkeley Law. "Class actions are of course in a different category."

Tesla's vice president of people, Valerie Capers Workman, sent an internal email the company subsequently published in a blog post on its website titled "Regarding Today's Jury Verdict."

Workman wrote she was "at the defense table for Tesla every day during the trial because I wanted to hear firsthand what Mr. Diaz said happened to him." The post said that "the Tesla of 2015 and 2016 (when Mr. Diaz worked in the Fremont factory) is not the same as the Tesla of today."

Diaz's case marks a rare instance in which Tesla, which typically uses mandatory arbitration to resolve employee disputes, had to defend itself in a public trial. The company almost never loses workplace arbitrations, though it was hit with a \$1 million award in May in a case brought by another ex-contract worker that was similar to Diaz's.

In court, Tesla argued that it never intended to disregard the rights and safety of African-American workers placed by the staffing agency at the plant and that all incidents reported by Diaz were investigated and resolved.

In her closing arguments to the jury, Tesla attorney Tracey Kennedy said "Mr. Diaz's story simply doesn't make sense" in light of his encouragement to his son and daughter to take up jobs at the company. She also said Diaz's claims weren't supported by the evidence.

J. Bernard Alexander III, a lawyer for Diaz, told jurors that "as opposed to a zero-tolerance policy, Tesla had a zero-responsibility policy."

The "n-word" was "pervasive and virtually everywhere," Alexander said.

Diaz himself testified that he suffered "sleepless nights" and weight loss as he lost his appetite.

"Some days I would just sit on my stairs and cry," he told the jury.

The jury's award included \$6.9 million for emotional distress and \$130 million in punitive damages, according to Diaz's other attorney, Larry Organ. Tesla is the world's most valuable automaker with a market value of around \$783 billion.

Organ said he hopes the ruling encourages Tesla do so "some reevaluation" so none of its other Black workers have to endure similar treatment.

"The jury verdict sends a message to one of the wealthiest companies in the world that it must treat all its employees with dignity and respect," he said.

Organ was also on the legal team representing Melvin Berry, a Black former worker who won the \$1 million arbitration award over claims that the company failed to stop his supervisors at its Fremont plant from calling him the "n-word."

Tesla faces yet another case making similar accusations that is proceeding as a class action in California state court in Oakland.

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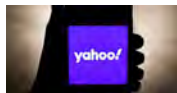
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Tesla To Pay Employee \$137 Million In Racial Abuse Lawsuit

Cristian Bustos

7 October 2021 · 2-min read

Tesla Inc (NASDAQ:TSLA) will have to pay one of its ex-workers a whopping \$137 million on the grounds of racial abuse. The federal court in San Francisco ruled that the company had not acted against the abuse suffered by Owen Díaz, a black man who performed his tasks at the Fremont factory in California.

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events would have occurred.



Diaz claimed that he and other black workers were regularly subjected to contempt by other staff members, with expressions such as “go back to Africa” or “nigger.” He was also targeted through racist graffiti – swastikas– in the toilets and even in his [workspace](#).



“The progressive image of Tesla was a facade that concealed the retrograde and degrading treatment of its African-American employees,” a whistleblower said.

The fine is justified by Tesla’s inaction in the situation. According to the jury, the company founded by Elon Musk created a hostile environment by not being able to curb racist attitudes in its facilities.

“We are happy that the jury has seen the truth and has established a sum that, hopefully, will push Tesla to act,” the whistleblower told [The Washington Post](#).

Company Response

On behalf of Tesla, vice president of human resources Valerie Capers stated in a post on the company's blog that “the facts do not justify the verdict of the jury.” She is aware that “in 2015 and 2016 Tesla was not perfect, nor is it now, but the Tesla of then is not the one of today.”

“We will continue to remind everyone who enters Tesla's workspaces that no insult, regardless of the intention or who emits it, will be tolerated,” she said, without clarifying whether the company will appeal the decision.

In an interview with the New York Times, Diaz said: “It took four long years to get to this point. It’s like a big weight has been pulled off my shoulders.”

In May, Tesla went through a similar situation as an arbitrator ordered it to pay more than \$1 million after another [Fremont](#) factory ex-employee made the same allegations. He said that other staff members called him a racial slur while managers kept brushing his complaints aside.

Tesla is part of the [Entrepreneur Index](#), which tracks 60 of the largest publicly traded companies managed by their founders or their founders' families.

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Tesla ordered to pay \$137M to ex-worker over hostile environment

Tesla addressed a recent ruling on an alleged toxic workplace



BY [Dexter Tilo](#) / 05 Oct 2021 / [Share](#)

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Tesla has addressed the verdict against their company, which ordered it to pay around \$137 million to a former worker who alleged a toxic and racist workplace. A San Francisco federal court ruled that Tesla should pay former contract worker Owen Diaz after he suffered from a racist work environment, *CNBC* reported.

Diaz worked for the company as an elevator operator at the Fremont factory for nine months, from June 2015 to March 2016. He alleged that he and other Black workers were subjected to racial slurs from other employees, while racist drawings were left in his workplace. There were also some racially offensive graffiti in the company's restrooms, he alleged.

Diaz's case only moved forward because he was a contract worker of the company and was not mandated to sign the agreement, according to the *CNBC*.

Read more: [Tesla labour practices and Musk tweet broke the law, judge rules](#)

Tesla's statement

Tesla attempted to downplay the findings of the court in a blog post uploaded on Monday, but they admitted that the company was not perfect and is growing from the time Diaz experienced discrimination.

Valerie Capers Workman, vice president, people at Tesla, stressed in a statement that Diaz never worked for the company and was a contract employee for Citistaff and nextSource. Diaz wrote complaints to his non-Tesla supervisors but did not make any mention of the racial slur

"The three times that Mr. Diaz did complain about harassment, Tesla stepped in and made sure responsive and timely action was taken by the staffing agencies: two contractors were fired and one was suspended," said Workman in the blogpost.

"We're still not perfect. But we have come a long way from five years ago. We continue to grow and improve in how we address employee concerns," she added. "The Tesla of 2015 and 2016 (when Mr. Diaz worked in the Fremont factory) is not the same as the Tesla of today."

According to Workman, Tesla now has an Employee Relations team that is tasked of investigating employee complains. It also has a Diversity, Equity, and Inclusion team to provide equal opportunities to excel.

"And Tesla now has a comprehensive Employee Handbook (replacing the Anti-Handbook Handbook) where all of our HR policies, employee protections, and ways to report issues are published in one easy-to-find online document," she said.

Workman said the company "strongly" believes that the facts do not justify the verdict reached, but it did not state whether it will appeal the ruling.

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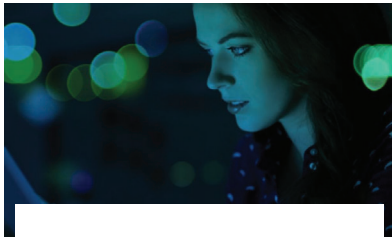
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US Jury Orders Tesla To Pay Ex-employee \$137 Million Over Racism

By AFP News

10/05/21 AT 7:30 PM



A California verdict ordering Tesla to pay a Black former employee \$137 million in damages for turning a blind eye to racism the man encountered at the firm's Silicon Valley auto plant is a resounding message to corporate America in the eyes of his attorney.

"They awarded an amount that could be a wake-up call for American corporations," civil rights attorney Larry Organ told AFP on Tuesday.

"Don't engage in racist conduct and don't allow racist conduct to continue."

Owen Diaz was hired through a staffing agency as an elevator operator at the electric vehicle-maker's Fremont factory between June 2015 and July 2016, where he was subjected to racist abuse and a hostile work environment, according to the court filing.

In his lawsuit filed in 2017, Diaz said African-American employees at the factory, where his son also worked, were regularly subjected to racist epithets and derogatory imagery.

Instead of a modern workplace, the plaintiffs "encountered a scene straight from the Jim Crow era," said the suit, originally filed by Diaz, his son Demetric and a third former employee.



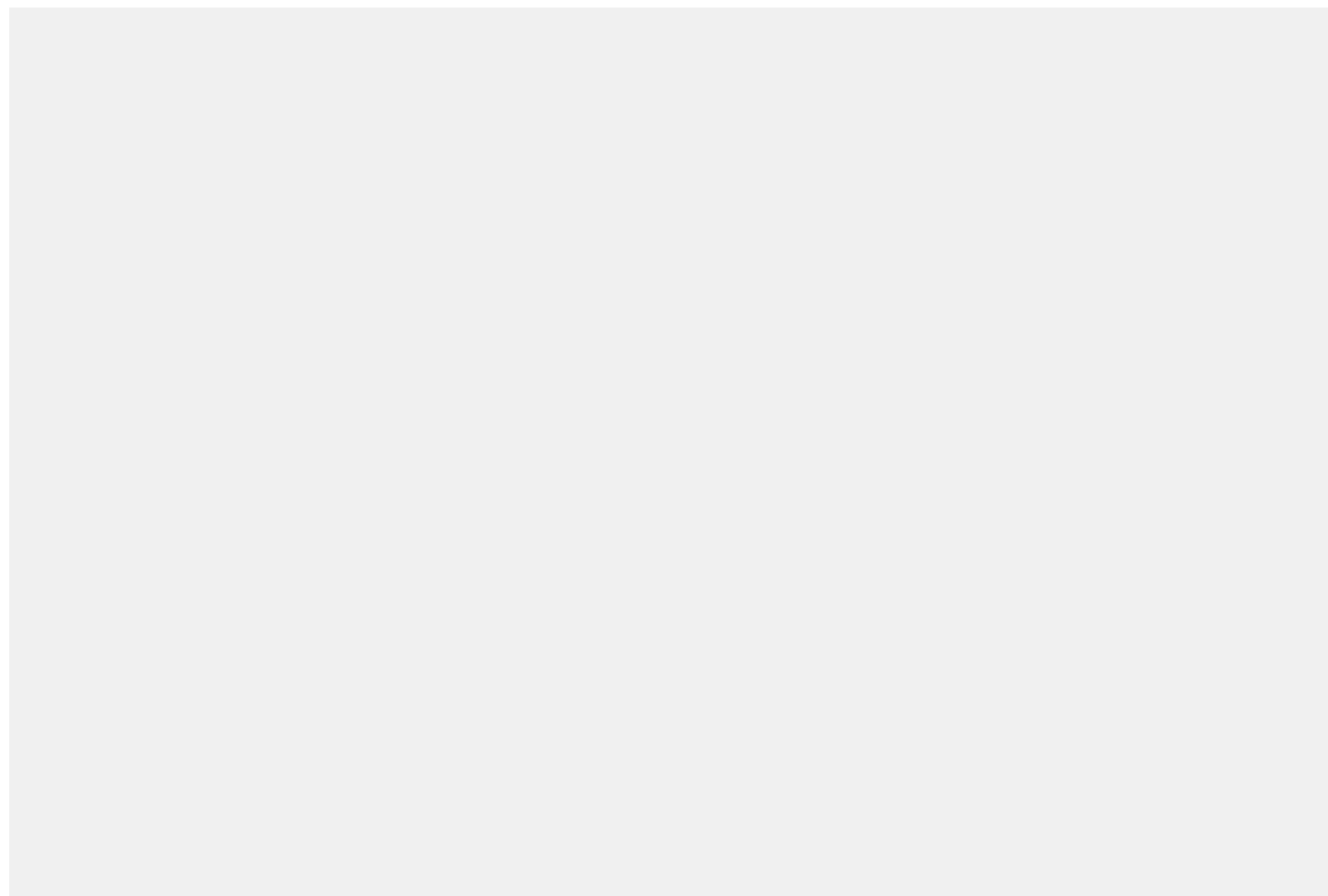
"Tesla's progressive image was a facade papering over its regressive, demeaning treatment of African-American employees," the court filing said.

Diaz alleged that, despite complaints to supervisors, Tesla took no action over the regular racist abuse.

The jury at the federal court in San Francisco on Monday awarded Diaz \$130 million in punitive damages and \$6.9 million for emotional distress, Organ confirmed.

"I knew all along Owen was telling the truth, I just had to prove it to eight strangers," he said, referring to the panel of jurors.

"Normal, everyday folks see through the BS that corporate America spins."



A US jury awarded a former Tesla employee \$137 million over workplace racism at the electric car maker's Fremont plant (Photo: GETTY IMAGES NORTH AMERICA / JUSTIN SULLIVAN)

Following the verdict, Tesla released a blog post by human resources vice president Valerie Capers Workman, which it said had been distributed to employees.

In her post, Workman downplayed the allegations of racist abuse in the lawsuit but acknowledged that at the time Diaz worked there, Tesla "was not perfect."

"In addition to Mr. Diaz, three other witnesses (all non-Tesla contract employees) testified at trial that they regularly heard racial slurs (including the n-word) on the Fremont factory floor," she wrote.

"While they all agreed that the use of the n-word was not appropriate in the workplace, they also agreed that most of the time they thought the language was used in a 'friendly' manner and usually by African-American colleagues."

Workman said Tesla had responded to Diaz's complaints, firing two contractors and suspending a third.

"Our whole theme was that Tesla was taking zero responsibility," Organ said.

"I think they are doing the same thing now: making excuses."

"While we strongly believe that these facts don't justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016 we were not perfect," Workman said.

"We're still not perfect. But we have come a long way from 5 years ago. We continue to grow and improve in how we address employee concerns. Occasionally, we'll get it wrong, and when that happens we should be held accountable."

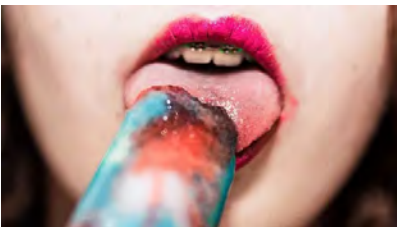
Tesla, a global leader in electric cars, has a market capitalization of around \$780 billion. Its chief executive, tech entrepreneur Elon Musk, is the world's richest person, currently worth \$211 billion, according to the Bloomberg Billionaires Index.

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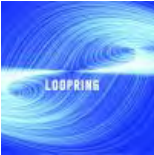
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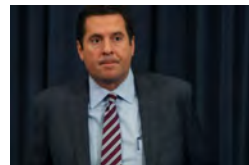
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BUSINESS

Tesla must pay \$137 million to a Black employee who sued for racial discrimination

Updated October 5, 2021 · 1:56 PM ET

JOE HERNANDEZ



A former contract elevator operator at a Tesla factory said that instead of a "modern workplace," he found a "scene straight from the Jim Crow era."

Justin Sullivan/Getty Images

A federal jury in San Francisco has ordered Tesla to pay a former Black contractor \$137 million over claims that he was subjected to racial discrimination at work.

Owen Diaz, who worked as a contract elevator operator at Tesla's factory in Fremont, Calif., from 2015 to 2016, said in his lawsuit that he and others were called the N-word

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The suit said Diaz was excited to go to work for Tesla, but that instead of a "modern workplace," he found a "scene straight from the Jim Crow era."

Diaz says nothing was done to stop it

Diaz said that he complained about the discriminatory treatment to Tesla and the contracting companies Citistaff and nextSource, but that nothing was ever done to stop it.

"I'm gratified that the jury saw the truth and that they sent a message to Tesla to clean up its workplace," Larry Organ, one of Diaz's attorneys, told NPR.

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The jury award included \$130 million in punitive damages and \$6.9 million in emotional damages, according to the verdict. Organ said he believed it was the largest award in a racial harassment case involving a single plaintiff in U.S. history.

"Owen and I both hope that this sends a message to corporate America to look at your workplace and, if there are problems there, take proactive measures to protect employees against racist conduct," Organ added. "It is happening, and we need to do something about it."

Tesla says its workplace culture has "come a long way"

Valerie Capers Workman, Tesla's vice president of people, said in a statement on the automaker's website that witnesses at trial corroborated the fact that people used the N-word on the factory floor, but that those witnesses also said the word was often used

in a "friendly" manner. Workman said that Tesla followed up on Diaz's complaints, [Case 3:17-cv-06748-WHO Document 320 Filed 12/07/21 Page 149 of 160](#) and that the staffing agencies fired two contractors and suspended another.

"While we strongly believe that these facts don't justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016, we were not perfect. We're still not perfect. But we have come a long way from 5 years ago," Workman said.

"The Tesla of 2015 and 2016 (when Mr. Diaz worked in the Fremont factory) is not the same as the Tesla of today," she added.

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NEWS

Tesla responds to \$137M jury order over alleged racism in Fremont Factory

(CREDIT: JOE TEGTMEYER)



By [Simon Alvarez](#)

Posted on October 5, 2021

Tesla has issued a statement responding to a San Francisco jury's recent decision, which ordered the company to pay \$137 million to a former contract employee who worked at the Fremont factory. The former worker, Owen Diaz, had accused the company of ignoring the racial abuse that he suffered through while working at the California-based plant around 2015 through 2016.

The jury's decision was related by Lawrence Organ, the plaintiff's lawyer from the California Civil Rights Law Group. "It's a great thing when one of the richest corporations in America has to have a reckoning of the abhorrent conditions at its factory for Black people," Organ [stated](#). Tesla's lawyers have not issued a comment about the ruling as of writing.



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The initial lawsuit alleged that Diaz, who worked as an elevator operator at the Fremont Factory for about a year in 2015 and 2016, was called a [racial slur by a supervisor](#) and other colleagues on a regular basis. The former employee also stated that other Fremont Factory workers had left derogatory cartoons depicting Black children around the facility.

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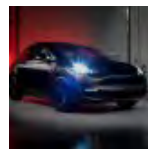
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Tesla gets perfect equality rating for LGBTQ workers for 6th year in a row

The Human Rights Campaign Corporate Equality Index has awarded Tesla as one of 2021's Best Places to Work for LGBTQ Equality. The award was posted on the HRC's recently-published Corporate Equality Index 2021, which rates workplaces on lesbian, gay, bisexual, transgender, and queer equality. The announcement was shared on Tesla's LinkedIn page, where the electric ...

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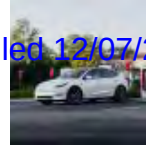


The jury deliberated for about four hours before agreeing that Tesla had created a hostile work environment by failing to address the racism being faced by Diaz. The jury agreed that a total amount of \$137 million — comprised of \$130 million worth of punitive damages and \$6.9 million for emotional distress — was sufficient for the case. Tesla is expected to appeal the order.

In response to the jury's order, [Tesla's VP People Valerie Capers Workman](#) posted a blog post on the company's official website to explain some points about the case and the jury's \$137 million order. Workman noted that Diaz, as well as three other witnesses, testified at the trial that they regularly heard racial slurs on the Fremont factory floor. Such comments, however, were usually used by African-American workers amongst themselves.

The VP also admitted that racist graffiti was indeed found in the Fremont Factory's bathrooms, which were, in turn, removed by janitorial staff. Workman added that Diaz had filed written complaints to his

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contractors were terminated and one was suspended as a result of the former contract worker's complaints. Diaz had reportedly noted that he was "very satisfied" with the results of the investigations.



Tesla adopts straightforward and firm stance on employee language and respect

Tesla VP, People Valerie Capers Workman recently published a note for employees returning to the company's offices this month. The VP's message was clear: Tesla is very particular about how employees treat each other, and it will not tolerate any form of derogatory language or expressions. Workman explained that Tesla is committed to building a ... [Continue reading](#)



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Ultimately, Workman stated that Tesla today is not the same as the Tesla that Diaz worked with back in 2015 and 2016. She also remarked that the company has rolled out a number of inclusivity programs designed to ensure that incidents such as those experienced by the former contract worker would not happen anymore. These include a set of [new behavior and language policies](#) that the company posted back in July, which explains how derogatory words — including those used among friends of the same race or gender — would no longer be allowed in Tesla.

"While we strongly believe that these facts don't justify the verdict reached by the jury in San Francisco, we do recognize that in 2015 and 2016 we

were not perfect. We're still not perfect. But we have come a long way from 5 years ago. We continue to grow and improve in how we address employee concerns. Occasionally, we'll get it wrong, and when that happens we should be held accountable.

"The Tesla of 2015 and 2016 (when Mr. Diaz worked in the Fremont factory) is not the same as the Tesla of today. Since then, Tesla has added an Employee Relations team, dedicated to investigating employee complaints. Tesla has added a Diversity, Equity & Inclusion team dedicated to ensuring that employees have the equal opportunity to excel at Tesla. And Tesla now has a comprehensive Employee Handbook (replacing the Anti-Handbook Handbook) where all of our HR policies, employee protections, and ways to report issues are published in one easy-to-find online document," Workman wrote.

Tesla's full statement on the \$137 million jury order could be accessed [here](#).

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